

REPORT OF THE

BANARAS HINDU UNIVERSITY INQUIRY COMMITTEE

(*January—July, 1969*)



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GOVERNMENT OF INDIA

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CONTENTS

	<i>Page</i>
CHAPTER I -- THE COMMITTEE AT WORK	1
(i) Appointment of the committee	1
(ii) Programme of work	2
CHAPTER II -- OUR INQUIRY	8
(i) Scope of our inquiry	8
(ii) Procedure adopted	9
(iii) Difficulties experienced in our inquiry : some observations	15
(iv) Our approach	21
CHAPTER III -- CAUSES OF RECENT UNREST AND AGITATION IN THE UNIVERSITY	24
(i) Need for the present inquiry	24
(ii) Composition of the University community	27
(iii) Some of the causes urged by the University (including admission irregularities)	30
(iv) Two general agitations	57
(v) Major events and incidents	60
(vi) Other causes leading to dissatisfaction—administrative and academic	113
(vii) Our conclusions	134
CHAPTER IV -- REMEDIES	150
ANNEXURES I— XVIII	184—238

CHAPTER I

THE COMMITTEE AT WORK

(i) Appointment of the committee

1.1 In exercise of the powers conferred by sub-section (2) of section 5 of the Banaras Hindu University Act (hereafter called "the Act"), the President, in his capacity as the Visitor of the Banaras Hindu University (hereafter called "the University"), appointed the present committee to inquire into the recent state of unrest and agitation in the University. The composition and the terms of reference of the committee are as under :

Composition

- | | |
|---|-----------------|
| 1. Dr. P. B. Gajendragadkar,
Vice-Chancellor,
Bombay University. | <i>Chairman</i> |
| 2. Mr. Justice V. S. Desai,
Judge,
Bombay High Court. | <i>Member</i> |
| 3. Professor S. K. Bose,

Chairman, Inter-University Board of India
and Director, Indian Institute of Technology,
Bombay. | ,, |
| 4. Professor R. C. Mehrotra,

Vice-Chancellor,
Rajasthan University. | ,, |

Mr. R. K. Chhabra, Joint Secretary, University Grants Commission, New Delhi, was appointed the Secretary of the committee.

Intimation about the constitution of the committee was duly communicated to the University (vide Government of India, Ministry of Education letter No. F. 1-40/68-U2, dated December 31, 1968).

Terms of reference

“To inquire into the recent state of unrest and agitation in the University and to make such recommendations as may be considered necessary or expedient for remedying the situation and for improving the general tone of discipline and law and order in the University.”

1.2 Pending the inquiry, Professor R. C. Mehrotra relinquished charge as Vice-Chancellor of the Rajasthan University on April 14, 1969. On inquiry, the chairman and Professor Mehrotra were informed by the Visitor that the appointment of Professor Mehrotra had been made in his individual capacity and, therefore, it was intended and desired that Professor Mehrotra should continue to be a member even after he relinquished charge as Vice-Chancellor.

(ii) Programme of work

1.3 We held our first meeting at Bombay on January 12, 1969 and discussed the procedure which we should adopt for conducting the inquiry. We decided that memoranda should be called for from the members of the Banaras Hindu University (members of its various bodies, teachers, students and non-teaching staff), members of other universities, educationists and other persons, associations, institutions and societies which would be interested in assisting us in our enquiry, by February 28, 1969. For this purpose we decided to issue an advertisement in the leading English and Hindi dailies (*Annexure I*). At this meeting we also decided that as far as possible we should conclude our inquiry and submit our report to the Visitor before the University re-opens after summer vacation for the year 1968-69.

1.4 We later decided to issue a notice to the students, members of the teaching staff and other employees of the University, requesting them to communicate to us if they desired to give evidence before us and suggesting that they should indicate the main points on which they proposed to give such evidence. We also addressed a similar letter to the members of the Academic Council, the Executive Council and the Court of the University. In addition, we also invited some other persons, including the officials of the University, the District Magistrate and his colleagues, senior police officers for clarification of certain specific points. Having examined the memoranda received by us, we invited some of those who had sent the memoranda to give evidence before us. We also met some eminent persons with a view to ascertaining their opinion on general matters falling within the purview of our inquiry.

1.5 Before we began the inquiry, we received 215 memoranda.

1.6 We requested the University to furnish information on the following :

- (i) *A detailed note giving full facts about the recent state of unrest and agitation in the University.
- (ii) **A note giving the University's view as to the causes which led to the said unrest and agitation.
- (iii) ***A note containing the university's suggestions for remedying the situation and for improving the general tone of discipline and law and order in the University. In this note, the University may express its views on any other matter which the University may like to bring to the notice of the Committee.

These notes have, in due course, been supplied to us by the University.

* Received vide letter dated March 16, 1969

** Received (revised version) vide letter dated May 26, 1969

*** Received on June 23, 1969.

1.7 Even after we started recording oral evidence, a few additional memoranda and also certain papers submitted by persons who had given oral evidence, in clarification of or in addition to their oral testimony, were received by us.

1.8 The memoranda received broadly dealt with the following matters :

1. Reports of incidents occurring in the University during the last two years.
2. The irregularities committed by the University in making appointments.
3. Existence of groupism in the University and the administration favouring particular groups of students and teachers at different times.
4. Irregularities committed in the election of the office-bearers of the Students' Union.
5. High-handedness of the police in the use of force.
6. Irregularities in the admission to the University course and examination system.
7. General Break-down of the machinery of the University administration.
8. Role of political parties and the building allotted to RSS.

1.9 Before we proceeded to Varanasi to hold the inquiry and record oral evidence, we had decided to hold our meetings in the campus of the University. The Vice-Chancellor, however, suggested that the inquiry may be held outside the University campus and indicated that arrangements were being made for the inquiry committee at Nadesar Palace. The Maharaja of Banaras, the Chancellor of the University, had agreed to place his Palace at the disposal of the committee during its sittings at Varanasi. We accepted this suggestion and accordingly held the inquiry at Varanasi in Nadesar Palace.

1.10 We held two sittings at Varanasi. First we met between April 4 and 11, 1969 and next from April 24 to 27, 1969. We

next held our sittings at New Delhi from May 12 to 15, 1969. At our sittings at Varanasi and New Delhi, we recorded the evidence of 137 witnesses (*Annexure II*). During the course of our first sitting at Varanasi, we visited the campus of the University and inspected the spots where major incidents which figure prominently in our inquiry took place. We also discussed informally the problem of remedies with some eminent persons (*Annexure III*). Dr. Anandjee has been informed about the tenor of the opinions expressed by these persons.

1.11 When we reached Varanasi on April 4, 1969, the Vice-Chancellor, decided to record his statement at our second sitting resolution passed by the Executive Council, he had nominated Dr. Anandjee, Dean of the Faculty of Law and member of the Executive Council as the representative of the University under section 5(3). Dr. Anandjee will hereafter be described as "the University representative".

1.12 Originally we had, in consultation with the Vice-Chancellor, decided to record his statement at our second sitting at Varanasi on April 27, 1969. However on April 26, 1969, unfortunately the Vice-Chancellor suddenly took ill and intimated to us his inability to meet us on April 27, 1969 as originally decided. That is why, in consultation with him, we examined him at New Delhi on May 14, 1969.

1.13 On May 9, 1969, the Vice-Chancellor wrote to the chairman of the committee that when he meets the committee on May 14, 1969, he would represent the University under section 5(3) of the Act, in accordance with the decision of the Executive Council; and he added that nevertheless he would like Professor Anandjee to be present so that he knew the discussions that might take place between him (Vice-Chancellor) and the committee (*Annexure IV*). On receiving this letter, the chairman wrote to the Vice-Chancellor on May 12, 1969, reminding him that when he meets the committee, the committee would record his evidence on the relevant points and suggested

that he should consider whether, while giving such evidence he would like the committee to treat him as the representative of the University under section 5(3) (*Annexure V*). When the Vice-Chancellor appeared before us, we inquired from him whether he desired that his evidence should be recorded as that of the representative of the University, and he made it clear that he was giving evidence as Vice-Chancellor in his individual capacity.

We examined the Vice-Chancellor for nearly five hours and heard him on all the points on which he wanted to address us.

During the course of his evidence, he tendered certain documents, particularly copies of the correspondence that passed between him and Dr. Triguna Sen, who was, at the relevant time, the Union Education Minister.

1.14 We ought to express our thanks to Dr. D. S. Kothari, Chairman, University Grants Commission, for having acceded to the request of the chairman, made through Secretary to the Visitor to spare the services of Mr. R. K. Chhabra, Joint Secretary, University Grants Commission, to work as secretary of the committee. We ought to add that as suggested by Dr. Kothari, whilst Mr. Chhabra worked as our secretary, with our consent he also attended to his normal duties as Joint Secretary of the University Grants Commission.

We also wish to place on record our appreciation of the cooperation received from the witnesses who gave evidence before us. We ought to express our warm appreciation and thanks to the Maharaja of Banaras who generously allowed us to use the Nadesar Palace for holding our sittings at Varanasi. The University assisted us by giving us several facilities such as transport, for which we are thankful to the University.

1.15 We have great pleasure in recording our appreciation for the very valuable assistance we have received from our secretary, Mr. Chhabra. Mr. Chhabra organised our work with expedition

and efficiency, met several students and others at Varanasi, explained to them the legal position under section 5(3) of the Act, and requested them to give evidence before us notwithstanding their initial reluctance to do so because of the presence of the representative of the University at the hearings. He analysed the memoranda received, prepared their summary to be sent to the University, sent several requisitions to the University asking for relevant material and gave valuable and material assistance to us in preparing the report.

We would also like to thank all the members of the staff who cheerfully put up with the exacting nature of the demands made on them by the inquiry involving considerable typing, clerical and other work.

CHAPTER II

OUR INQUIRY

(i) Scope of our inquiry

2.1 When we held our first meeting at Bombay on January 12, 1969, we considered the question about the scope of the inquiry which our terms of reference required us to hold. In our view, the terms of reference required us, first, to inquire into the causes which led to the recent state of unrest and agitation in the University, and then to frame such recommendations as we deem appropriate for remedying the situation and for improving the general tone of discipline and law and order in the University. In inquiring into the causes of the recent state of unrest and agitation, we have confined our inquiry to the period roughly beginning with 1965, and our object has been first to identify the causes and then evolve solutions to avoid the repetition of these causes, with a view to ensure that the even tenor of the University life may not be disturbed in future. We were anxious not to unduly enlarge the scope of our inquiry; but we were also clear that if any allegations were made by any person appearing before us in respect of any incident, matter or person and they appeared to us to be relevant, we would not be justified in refusing to entertain evidence in respect of such allegations and to take them into account. In other words, though we wanted that the scope of the inquiry should not be unduly widened, we were not prepared to put any artificial restraints on its scope, subject of course to the considerations of relevance.

2.2 At the first meeting we took note of the fact that Dr. T. Sen, who was then the Union Education Minister was reported to have made a statement in the Rajya Sabha in regard

to the scope of the inquiry entrusted to us (vide *Hindustan Times*, December 24, 1968). The said report seemed to suggest that according to the Union Education Minister we would not be justified in inquiring into the conduct of the Vice-Chancellor. We felt that if this was the real intention of the statement which the press report attributed to the Union Education Minister, it would plainly run counter to our construction of the terms of reference. We therefore decided to address a communication to the Union Education Minister, soliciting for his clarification on this point. This communication was sent to him on January 15, 1969 (*Annexure VI*). In this communication, we indicated to the Minister what we thought to be the true scope of the inquiry entrusted to us by the terms of reference and we invited him to clarify his position in that behalf. On January 21, 1969, the Union Education Minister wrote back to the chairman explaining his statement and adding categorically that "the terms of reference of the committee are quite clearly stated in the order passed by the Visitor appointing the inquiry committee and anything that is considered relevant to fulfil its task in relation to the terms of reference laid down will be within the purview of the committee" (*Annexure VII*). Thus there is no ambiguity about the scope of our inquiry.

2.3 At this meeting, we took the decision that our inquiry would be in camera.

(iii) Procedure adopted

2.4 At this stage, we ought to describe the procedure we have followed in holding the inquiry. We have already indicated that before we began our first session at Varanasi, we had received a large number of memoranda. We had also received one statement from the University. The memoranda and the statement were intended to assist us in recording oral evidence of witnesses who appeared before us. In dealing with the relevant issues and making our findings on them, we have relied

mainly on the oral evidence given before us. Whenever a witness appeared before us, we asked him question either in English or in Hindi as the witness desired, and a summary of the answers given by him in respect of different points were dictated in his presence.* The substance of evidence thus recorded was, however, not shown to the witness and signed by them. In other words, the evidence thus recorded constitutes our notes of evidence. *That being so, we ought to make it clear at this stage that later whenever we quote from the statements of witnesses, we are quoting from the said notes.*

2.5 Before we began our inquiry, the Vice-Chancellor wrote to the chairman on March 16, 1969, suggesting that we should supply him either with the copies of the memoranda submitted to us or summaries of the main points. The preparation of the summaries however, took some time and we were unable to supply them to the Vice-Chancellor before our inquiry actually began in Varanasi. We desired to finish the work of our inquiry as early as we reasonably could and so we thought that we should begin the recording of the evidence, though summaries of the memoranda had not been supplied to the University; two reasons weighed in our minds: one was that we should be able to examine the students and the teachers before the University closes for the summer vacation and the other was that while recording evidence, the University representative would not be put to any disadvantage even if the summaries of the memoranda of witnesses appearing before us were not actually in his hands.

2.6 During the course of our first sitting at Varanasi, summaries of the main points contained in the memoranda received by the committee were supplied to the University, on April 9 and 10, 1969. Meanwhile, the Vice-Chancellor requested the chairman to supply him with all the memoranda and the chairman explained to him how at that stage, it was difficult to comply with his request and how the supply of the main points

*We would like to make it clear that when some eminent persons met us, we did not follow this procedure of recording their evidence. In their case we asked our stenographers to take verbatim notes of their statements on material points which were indicated to them from time to time.

of the memoranda as originally requested by him would serve the necessary purpose of the University (*Annexure VIII*).

We ought to add that when we took oral evidence during our inquiry, we treated the statements supplied by the University and the memoranda submitted to us only for the purpose of putting questions to witnesses on the relevant matters. The memoranda submitted to us were not and have not been treated by us as substantive evidence in our inquiry. It is the oral statements as they were recorded in the presence of the University representative which we have treated as substantive evidence for the purpose of our inquiry. The statements supplied to us by the University set out relevant facts in regard to several incidents which figure in our report. It is in the light of, and on the basis of, these statements that we have discussed the major incidents in relation to the problems. Some witnesses have produced documents in the course of their evidence. Copies of such documents as we have taken into account in reaching our conclusions have been supplied to the University representative.

2.7 Before we began to record evidence, we explained to the University representative the procedure we proposed to follow. We told him that taking the statement supplied by the University as well as the memoranda submitted by the respective witnesses, we would ask questions to the witness on points which appeared to us to be relevant, and after he gave evidence on definite or specific points, a summary of his answers would be recorded from stage to stage in the presence of the University representative for our use; and we told the University representative that he was free to take notes of evidence as exhaustively as he liked. In fact, the University representative took notes of evidence throughout the hearings of the inquiry.

2.8 There is another point we would like to mention at this stage. Before the inquiry began and even at the end of the inquiry, when we heard him Dr. Anandjee assured us as the

representative of the University, that the University had full confidence in the committee and that he would do his best to assist us in our task by placing the case for the University as fairly and comprehensively as he could. He also made it clear, again as the representative speaking for the University, that the University did not wish to raise any objection about the validity of the constitution of the committee. We ought to add that if Dr. Anandjee had indicated to us that the University took the view that the appointment of the committee by the Visitor was incompetent or invalid for any reason, we would have immediately adjourned the hearing to enable the University to settle the matter with the Visitor or, if it was so advised, by recourse to appropriate legal proceedings. Since Dr. Anandjee made it clear that the University accepted that the committee had been validly appointed by the Visitor and was in fact anxious to give all cooperation to it in its inquiry, this position did not arise.

2.9 Soon after the inquiry began, the University representative incidentally raised the question as to whether he would be entitled to cross-examine the witnesses who were deposing before us. This raised the question about the construction of section 5(3) of the Act. Section 5(3) provides that the Visitor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be held and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry. Two points emerge from this provision. The first is that the representative has the right to be present whenever the committee holds an inspection or inquiry. In other words, if the committee meets for deciding its programme of work or for internal discussion, the representative is not entitled to be present. The other fact is that the representative shall have the right to be heard. In other words, after the evidence is recorded and the inquiry and inspection are conducted and before the committee proceeds finally to consider the merits of the relevant points falling within the purview of its inquiry the representative has a right to be heard. The

right to be heard obviously includes the right to present the case of the University in all its aspects in relation to the points which are relevant to the inquiry.

2.10 The University representative faintly suggested that the right to be heard may include the right to cross-examine the witnesses who give evidence before us. We indicated to the University representative that the right to be heard may not necessarily include the right to cross-examine witnesses; even so, we put it to him that if he wanted liberty to cross-examine witnesses, it would become necessary for us to consider whether we should not, in exercise of our inherent powers as an inquiry committee, allow other parties to exercise the same right to cross-examine the witnesses, if they so desired. Unfortunately, in the course of the inquiry it transpired that many witnesses were making allegations against the administration of the University including its Vice-Chancellor. That being so, if the University representative was given the right to cross-examine such witnesses, we would, in fairness, have had to concede a similar right to parties who were making allegations against the University administration to cross-examine witnesses who were giving evidence in support of the administration. We explained to the University representative that though the right to be heard had been conferred statutorily on the University representative, that would not preclude us from allowing liberty to parties to cross-examine witnesses who depose in favour of the administration, if we thought that the interest of justice so required.

2.11 In this connection, we told the University representative that we did not propose to convert this inquiry into a formal, legal or judicial inquiry, and we were anxious to finish the inquiry as soon as we reasonably could, because the University was going to open for the next academic year on July 28, 1969 and we desired that our report should reach the Visitor not later than the first week of July, 1969. In that case, the Visitor would have time enough to decide what action to take on our report.

2.12 Besides, we assured the University representative that we were very keen on safeguarding the interests of the University and giving its representative every possible opportunity to present its case. We would, therefore, allow the University representative liberty to suggest any questions which he desired, should be put to witnesses who appeared before us and, subject to the test of relevance, those questions would be put to the witnesses and their answers taken. The University representative was satisfied with this arrangement and accordingly throughout the inquiry whenever the University representative suggested that any questions should be put to the witnesses, he passed on those questions to the chairman, either in writing or orally, and they were invariably put to the witnesses. In adopting this procedure, we desired to afford to the representative of the University all reasonable facilities to see that evidence which tended to make allegations about acts of omission or commission on the part of the University administration was properly tested by questions necessary for that purpose.

2.13 We first heard the University representative at Bombay on June 7, 1969. Before that date, we had sent him several questions (59) in two instalments. These questions referred to the major points with which we are dealing in our report.

On June 7, the University representative requested for an adjournment and suggested that he would like to address us on June 27, 1969. We granted his request though with considerable reluctance. On that date, the University representative had promised that answers to the questions already supplied to him would be prepared and sent to all the members before June 27. However, he did not carry out his promise and no answers were sent. At this hearing, we also inquired from him whether he desired that we should call any particular witness to give evidence before us and he indicated that he had no names to suggest. Then we inquired whether he wanted to file any further documents and he said that he should be given liberty to file additional documents if he thought it necessary to do so.

On June 27, when we asked the University representative why no answers were sent as promised, he told us that he found that on most of the questions relevant material had already been supplied by the University and so he thought it unnecessary to formulate formal answers as originally promised. He also said that on points on which relevant material was not supplied, he would make his submission and if necessary he would give us relevant documents. Accordingly, at the final stage of the hearing, certain documents have been tendered by him and we have taken them on record.

We have mentioned these facts in some detail at the outset to emphasise that full opportunity has been given by us to the University representative to present the University's case on all the points concerning the major events and the points involving the conduct of the University administration.

(iii) Difficulties experienced in our inquiry some observations

2.14 Having described the procedure which we have followed in holding the inquiry, there are some other matters to which we must refer. After we began our inquiry, we realised that on the University campus and atmosphere of suspicion and fear prevailed. In fact, before the inquiry began, many of the witnesses saw the secretary and said that they would not be prepared to give evidence in view of the fact that the representative of the University would be present when their evidence would be recorded. The secretary, however, explained to them the legal position under section 5(3) of the Act and requested them to give evidence. Accordingly, a large number of witnesses have given evidence before us; but from the demeanour of some of them it was plain that they were hesitant, reluctant or afraid to speak the whole truth. In fact, one witness holding a senior and responsible position on the academic staff of the University actually appeared before us to give evidence at our request; but before we could put any questions to him, he turned to the University representative and then to us and said that he was not prepared to give evidence unless he was given an assurance

either by the committee or by the Vice-Chancellor or by the Visitor that he will not be exposed to any risk or harassment in consequence of the statements which he might make in reply to our questions. Since we were not in a position to satisfy this condition, we did not embarrass him by asking him any questions.

2.15 Some witnesses started giving evidence and when crucial points were put to them, they showed considerable hesitation in answering them. On more than one occasion, some witnesses expressly urged that it was unfair that whereas the representative of the University should be present when evidence is being given making allegations against the University administration in respect of its acts of omission or commission, persons who were dissatisfied with the administration should not be allowed to be present when evidence was given supporting the administration. When this trend became evident in the course of the inquiry, the chairman addressed a letter to the Vice-Chancellor on April 9, 1969, in which he elaborately set out how some witnesses were unwilling to give evidence out of fear because the representative of the University was present at the inquiry, and suggested to the Vice-Chancellor that he may consider whether, acting in exercise of his emergency powers or after consulting the Executive Council, it would be advisable in the interests of fair inquiry that the University representative should withdraw from the proceedings when the committee records evidence of witnesses who are unwilling to give evidence in his presence (*Annexure IX*).

On April 10, 1969, the Vice-Chancellor wrote back to the chairman saying that the apprehensions which some student representatives or other witnesses had expressed before the committee were baseless and he added that it was not the policy of the University to be vindictive towards any individual. Even so, the Vice-Chancellor added in this letter that the next meeting of the Executive Council was scheduled to be held on April 26, and he assured the chairman that he would explore the possi-

bility of holding the meeting on an earlier date to consider the matter to which the chairman had referred in his letter (*Annexure X*). However, no communication has been received by us from the University in this behalf.

2.16 After completing the work of recording oral evidence in this inquiry, we are free to confess that we cannot escape the feeling that a fairly large number of witnesses did not come to give evidence before us through fear. Even in regard to witnesses who gave evidence before us, we found from their demeanour that some of them did not feel happy while giving evidence. During the time that we were recording evidence, it became gradually clear that there was an atmosphere of fear prevailing in the University campus and persons who would otherwise have liked to give evidence were not having courage enough to do so, because they were afraid that if they gave evidence against the administration, they might be victimised. We recognise that this conclusion is very unfortunate; but we thought we would be failing in our duty if we did not record it at this stage.

2.17 In support of this conclusion, we may refer to one incident which *prima facie* appears to be a case of attempt to victimise a person who was intending to give evidence before us. Whilst we held our first sitting at Varanasi, Mr. Mahmood Rajbee, a Reference Assistant in the Library had come to Nadesar Palace on April 11, 1969 and talked to Mr. R. L. Sondhi, personal assistant to the secretary, seeking a date on which he could appear before the committee.

In his evidence recorded on April 26, 1969, Mr. Rajbee produced before us a notice served on him. The notice says:

“It has been reported that on April 11, 1969, at 5.00 P.M. at Nadesar Palace where the Banaras Hindu University Enquiry Committee meeting was held, you were present with a printed pamphlet of pink colour which you were showing to some persons present there.

It has been reported that you approached the P.A. to Sri R. K. Chhabra for permission to appear as witness before the Commission against the Librarian on the strength of the pamphlet in your hand. This pamphlet was seen with you by some members of the Proctorial Staff who had been invited to meet the Inquiry Committee.

The pamphlet said to have contained defamatory allegations against the Librarian. You are requested to intimate this office the source of publication of the above referred anonymous pamphlet at an early date".

Mr. Rajbee stated that he had no pamphlet in his hand at the time when he talked to Mr. Sondhi on April 11.

When Mr. Rajbee brought this fact to our notice, we immediately examined Mr. Sondhi with whom Mr. Rajbee was talking on April 11, 1969. Mr. Sondhi corroborated Mr. Rajbee's evidence that Mr. Rajbee inquired from him when he could meet the committee to give his evidence. Mr. Sondhi also corroborated Mr. Rajbee by saying categorically that he was certain that at the time Mr. Rajbee was talking to him, he did not have printed pamphlet of pink colour in his hand.

After Mr. Sondhi's evidence was thus recorded, we wanted to probe a little deeper into this affair and so we recorded the statement of the Deputy Registrar (Administration), who had issued the notice to Mr. Rajbee. The Deputy Registrar told us that he had issued the notice on April 23. He added that the notice was not issued by him on his own initiative, but under definite orders of the Vice-Chancellor. According to his evidence the Vice-Chancellor's order was passed on the complaint of Mr. P. N. Kaula, the Librarian of the University.

In the complaint, Mr. Kaula had definitely averred that Shri R. D. Singh, Shri R. B. Singh and Dr. Lalmani Misra, besides Mr. Shankar Prasad of the Registrar's Office, had seen

the pamphlet in Mr. Rajbee's hands. By this complaint Mr. Kaula requested the Vice-Chancellor that "the matter may also please be referred to the Intelligence Bureau for investigation". This complaint is dated April 19, 1969, and it appears that the Vice-Chancellor who was in New Delhi on that day passed an order in New Delhi on it on April 20, directing that a notice should be served on Mr. Rajbee and that the matter should be referred to the CID.

In this connection, we also examined Dr. Lalmani Misra and Mr. Randhir Singh, who happened to be in the Palace on April 26, 1969, as they had been called by us for recording their further statements on that day. We asked Dr. Lalmani Misra pointedly whether he had seen a printed pamphlet in the hands of Mr. Rajbee on April 11, 1969, whilst he was talking to Mr. Sondhi; and Dr. Lalmani Misra's answer was clear. He said: "It would not be correct if anyone said that on that day I saw Rajbee carrying a printed pamphlet of pink colour which he was showing to the student leaders and others". A similar question was put to Mr. Randhir Singh and his answer was that he would not be able to say that when he saw Rajbee in the Nadesar Palace (on April 11, 1969), he saw that Rajbee was carrying a printed pamphlet of pink colour which he was showing to the student leaders and others.

We have referred to this small incident in some detail because, in our opinion, it seems to corroborate the fear which several persons expressed that if they gave evidence which was distasteful or unpleasant to the University administration, the administration would not hesitate to victimise them. Whether or not Mr. Rajbee carried a pink pamphlet on that day is not a matter of very great consequence in this connection. What is significant is the fact that because Mr. Rajbee came to ask for a date on which he could give evidence before us, Mr. Kaula made a complaint against him and the Vice-Chancellor immediately passed an order in New Delhi that a notice should be served on Mr. Rajbee and that the matter should be referred to the CID for investigation. It would be

noticed that what has been referred to the CID under the orders of the Vice-Chancellor is the inquiry into the question as to who printed the pamphlet. The pamphlet is supposed to contain allegations against the Librarian. We are unable to see how the Vice-Chancellor thought it appropriate or reasonable that a pamphlet of this kind, which is anonymously printed and which makes allegations against the Librarian, should be sent to the CID on behalf of the University as such. We asked Mr. Kaula whether he had known about the pamphlet earlier, and he admitted that he did know about it before. We then inquired from him whether he had taken any steps himself to find out who the author of the pamphlet was and he gave very evasive and unsatisfactory answers to those questions. We do not wish to dilate on this matter any further.

2.18 In fact, when persons began to approach the secretary and informed him that they would be able to give evidence only if the representative of the University was not present, we were, for some time, considering the question as to whether we should move the Visitor, to ask the Union Government to convert our appointment into a committee of inquiry under the Commission of Inquiry Act 1952 (Act No. 60 of 1952). If a committee is appointed under the said Act, the University representative would not be entitled to be present at all the hearings as a matter of statutory right and if in the interests of justice and fair play, the University representative is allowed to be present and allowed to take part in the proceedings by cross-examining witnesses who he thinks are giving evidence against the administration, it would be open to the committee to allow the other party to be represented by its representative and cross-examine witnesses who would give evidence in support of the administration. In that case, representatives of all interested parties would be heard. An inquiry of this kind would then tend to become more formal and assume the character of a quasi-judicial inquiry. But then it would have left no scope for the grievance made before us by certain witnesses that whereas their evidence is known to the University

representative and inevitably to the administration, they do not know anything about the evidence which is given in support of the administration; likewise, whereas the University representative would be able to argue the case for the University, they would not be able to meet the said arguments.

In our opinion, section 5(3) deals with cases of appointment of an inquiry committee by the Visitor when normally the University administration as such would not be assailed and the task of the committee would be to find out solutions for problems entrusted to it by its terms of reference. But whereas, in the present case, it appears that for the recent unrest and its causes which are the subject-matter of the present inquiry, a large number of witnesses make allegations against the University administration, the position is altered and compliance with the provisions of section 5(3) of the Act does give rise to a legitimate grievance such as was made before us by some witnesses during the course of our inquiry.

2.19 Even though we recognise the force of the grievance which was thus made before us, we decided to continue the inquiry under section 5(2) of the Act, because fortunately a large number of witnesses have given evidence though with reluctance and not without fear and we have been able to form a fairly accurate idea as to the causes which have led to the recent unrest in the University. That is why we did not adopt the course of moving the Visitor, requesting him to ask the Union Government to convert our appointment as an inquiry committee under section 5(2) into one under the relevant provisions of the Commission of Inquiry Act, 1952.

(iv) Our approach

2.20. Before we conclude this chapter, we ought to say a few words about the approach which we have adopted in holding this inquiry and in making our report. As we have already indicated, when witnesses came to give evidence before us, we treated the statements of fact submitted by the University and the memoranda submitted by the witnesses respectively as the

basis for asking questions. But these memoranda are not treated as evidence; it is the oral evidence given by the witnesses and the documents tendered by them as well as the documents supplied by the University either *suo moto* or at our request which we have treated as evidence on which to base our main conclusions.

In asking questions to witnesses, though we tried our best to verify the statements they were making by putting questions, we did not adopt the method of strict cross-examination as such. Whenever the University representative suggested either orally or in writing that additional questions should be put, they were invariably put to the witnesses.

2.21. The atmosphere on the University campus is surcharged with suspicion and fear. Division runs through all the sections of the University community; the teachers appear to be divided; the students are divided, and even the Class IV employees are divided. Under such circumstances, many of the witnesses tended to be partisan witnesses and their evidence contained over-statement notwithstanding our earnest endeavour to test the veracity of these statements, it is likely that the whole truth might not have been disclosed by such partisan witnesses. There were, however, some notable exceptions and witnesses belonging to this class gave evidence before us in a straightforward manner and their demeanour and the manner in which they gave their evidence impressed us very much. We have taken all these factors into account in making our assessment of the causes for the recent unrest in the University campus.

2.22 As our report will show, some of the causes which, in our view, have led to the recent unrest consist of incidents which partake of a criminal character and in dealing with these questions we have been fully conscious that we are not trying the said crimes and cannot possibly make any findings as to whether a particular person was guilty of the same or not. Evidence has been given to suggest, in respect of some of these incidents, that certain persons were concerned with them; but

we have deliberately refrained from recording any positive or affirmative finding in respect of any such person. Our concern has been to find out whether ugly incidents, some of which did amount to the commission of offences punishable under the Indian Penal Code, have occurred on the University campus and whether effective steps have been taken either by the police or by the administration to bring the offenders to book. In this part of our inquiry, we are really not concerned to find out who the offender is, because our concern is to find out the causes of the unrest. *That being so, whenever we refer to such incidents and indicate the trend of events, we should not be taken to have come to any definite conclusion that any particular person was guilty for the same or not.* It is because of our anxiety not to make any definite findings which can be made in a proper judicial inquiry that we have, except where we thought it absolutely necessary to do so, refrained from naming witnesses or persons whom the witnesses associated with the commission of these ugly incidents. Our anxiety to avoid mentioning names of witnesses is based on the fact that the disclosure of these names may perhaps expose the persons concerned to some risks. The task assigned to us by the terms of reference is primarily to make recommendations "as may be considered necessary or expedient for remedying the situation and for improving the general tone of discipline and law and order in the University". It is only incidental to the discharge of this task that we have to find out the causes that led to the recent state of unrest and agitation in the University. That is why throughout our report our approach will be ultimately to lay more emphasis on the remedies, rather than the incidents which led to the unrest. It is in the light of this approach that we have made our findings in regard to the incidents which, in our opinion, have contributed to the recent unrest, without recording definite, positive or affirmative conclusions in regard to the identity of the persons or parties who might be concerned with them, and *in some cases even in regard to the actual occurrence itself (e.g. alleged rape of a girl).* That, in brief, is the approach we have adopted.

CHAPTER III

CAUSES OF RECENT UNREST AND AGITATION IN THE UNIVERSITY

(i) Need for the present inquiry

3.1. Unrest on the university campuses and the explosion of the sense of frustration and anger disturbing the minds of some university students have recently become somewhat of a world phenomenon. In some places, the explosion of student-unrest is plainly and openly against the establishment and as such, is purely political in content. Its avowed object is to seek to change the existing social structure by violent revolution and create a new social order according to its philosophy. This kind of student-unrest is thus purely political and does not have any material or direct relation with the university life as such. In some other places, this explosion is purpose-oriented; for instance, in some of the university campuses in the United States, students expressed their disapproval of the Government's policy in regard to South Viet-Nam and sometimes expressed their support for the adoption of a liberal policy towards the Negroes. In some other places, students expressed their anger with the object of bringing about improvement in, and modernisation of, courses and better administration of the university affairs. They felt that amenities to which they were entitled were not made available to them, that courses of education prescribed were obsolete, that the university administration sometimes suffered from inefficiency, nepotism and even corruption and that they had no voice in the affairs of the university at all. This agitation had for its objective the improvement of the university life. Many times, these explosions are the result of a lack of proper communication between the teachers and the students as well as between the

administrators of the university, the teachers and the students. This conflict which university campuses in many parts of the world have witnessed looks almost like a generational conflict and India is no exception.

3.2. In India, there are certain other additional factors which have contributed to unrest among the students. After India became free and the Constitution promised to all citizens the establishment of social equality and economic justice, common men and women became impatient to see the problem of social inequality and poverty being solved and since the democratic forces have not been able to solve the problem quickly or adequately, a sense of frustration and anger is prevailing in the minds of common men and women, and young men or women studying in the universities cannot escape this sense of frustration and anger. Besides, after the advent of freedom, university education has expanded considerably and most of the universities are witnessing the phenomenon of first generation students seeking for higher education. Most of these students belong to the socially and economically weaker sections of the community and come from environments which are not easily conducive to the development of a proper sense of values required for the pursuit of university studies. The question mark of life which inevitably centres round the availability of jobs disturbs a large number of these students and since job opportunities do not appear to be available it inevitably breeds discontent.

3.3 It is true that concept of planning which Indian democracy has adopted ever since India became free has attempted to help and accelerate the industrial growth of this country; but the rate of economic growth is virtually overtaken by the explosion of population and the consequence is that job opportunities are totally inadequate and unemployment is in fact on the increase.

3.4 Besides, India has witnessed during the last few years a keen struggle between different political parties. Political parties are tempted to induce impulsive and idealistic young students

studying in the universities to support partisan causes. Sometimes these appeals succeed and they tend to create a sense of anger, frustration and disillusionment in their minds. These factors have contributed to make the situation in the Indian universities more complex.

3.5 Unrest in the student community and occasional explosion of their anger even in violent acts has been recently experienced by many universities in India and if the nature of the recent unrest on the campus of the Banaras Hindu University had been the result only of factors common to other university campuses, this committee would not have been appointed. It would then have been possible to take the view that the problem of Banaras Hindu University is similar to the problem occasionally faced by other universities and should be tackled as such.

3.6 There is no doubt that the problem of unrest in the students' minds has to be tackled with tact, understanding and sympathy. In this connection, we ought to emphasise the fact that in most cases, the explosion of violence on the university campuses and the adoption of militant agitational methods is the result of the activities of a very small section of students. As we will point out later, a large majority of students in the Banaras Hindu University, as indeed in all the universities, would like to be left alone to pursue their studies. Teachers must, therefore, establish human contact with the students and the University administration must be responsive to the challenge of the times. The problem presented by the unseemly behaviour on the University campus is not merely an educational problem, but is also social and sociological; and time has arrived when all educationists concerned with the university education and university administrators must give a serious thought to the question as to how this challenge can be effectively met.

3.7 But unfortunately so far as the Banaras Hindu University is concerned, there have been aggravating circumstances and distressing events which have accentuated the problem and constituted a continuing challenge of a serious type; that is why the

present committee came to be appointed. In our inquiry, we have tried to concentrate on the major incidents, events and trends which appear to us to have caused the recent unrest and agitation on the campus of the Banaras Hindu University, and we propose to deal only with them. The statement supplied to us by the University contains a long list of relevant incidents, but we do not propose to make our inquiry unduly comprehensive and have not, therefore, considered a large number of incidents mentioned in the statement. Our inquiry has been, as we have just indicated, confined to the major incidents, events and trends. *Since the identification of the causes which led to the recent unrest and agitation will play a major role in determining the nature of our conclusions and recommendations, we have deliberately dealt with these major incidents in detail and referred to the relevant evidence and considered the pros and cons in respect of each one of them.*

3.8 We have just observed that the recent unrest and agitation on the campus of the University present some unique features, because of some ugly incidents and unhealthy trends. That reminds us that when we began our work, one witness cynically commented that the appointment of the present committee in substance amounted to the decennial anniversary of the Mudaliar Committee Report. The Mudaliar Committee was appointed in 1957 under the same section of the Act under which the present committee has been appointed; there is only difference and, that is, that on the earlier occasion it was the University which requested the Visitor to appoint a committee to investigate into the affairs of the University, whereas on the present occasion, the Visitor *suo moto* has exercised this power under section 5(2) and appointed this committee.

(ii) Composition of the University community

3.9. Before we proceed to deal with the other circumstances, facts and events which, in our opinion, have contributed to the recent unrest and agitation on the University campus, it would, we think, be convenient if we record our impressions as to the

nature of the composition of the University community at Varanasi. After hearing the evidence, the general impression we have formed is that many teachers in different faculties are keen on discharging their duties towards their students without interruption. These teachers are not concerned with groups and are not affiliated to any political party. There is, however, a fairly significant number of teachers who are politically oriented and who take part in forming groups; and that leads to the politics of group *versus* group. In the formation of these groups, sometimes considerations of caste or region are apt to play a dominant role. Many persons familiar with the affairs of the University, who appeared before us, told us—and we are satisfied that their version is substantially correct—that on several occasions when students adopted agitational methods or indulged in acts of violence in support of some grievance or another, they received inspiration or approval from one group of teachers or another. The Teachers' Association, which is a formally organised body, has on its roll teachers belonging to different castes. But we were told that despite the existence of this formal organisation of the teachers, the spirit of groupism based on castes persists amongst the teachers and the existence of this spirit is undoubtedly a source of infirmity in the academic life of the University.

3.10 Likewise, an overwhelmingly large number of the students studying on the campus are keen on pursuing their studies in a serene and quiet atmosphere, undisturbed by explosion of violence, agitation or unrest. These students, however, are peace-loving by nature and are not in any manner combative or aggressive. A very small number of students are very much politically oriented. Some of them are active members of one or the other of the political parties which function in India. Some of them are members of youth organisations which are affiliated to one or the other of such political parties. This very small group of politically oriented and vigorously articulate section of the students usually plays a major role in elections and manages to secure positions of power in students' organisations. Sometimes there is no division amongst these

students and they fight a common battle. Sometimes they are divided into different groups, each group owing loyalty to one political party or the other. When office-bearers of the Students' Union are elected, they tend to become powerful and begin to think that they can interfere in various matters concerning the administration of the University. As it happens, in Varanasi, an office-bearer of the Students' Union, say, the President, can become the Secretary or the President of the Karamchhari Sangh, which is an association formed by the Class IV employees of the University, and when that happens, the person who holds a position of power in the students' organisation and by virtue of his office in the Class IV employees' organisation can control them develops a sense of power and begins to be still more articulate and aggressive. Behind the group of such students who occupy positions of power in the Students' Union gather several unsocial elements which are not absent on the University campus amongst the students themselves. When militant and politically oriented students take up causes and start agitations, these unsocial elements fully exploit the occasion and indulge in hooliganism and in unsocial acts. Unfortunately, access to the University campus is so easy that on all occasions when eruption of agitation overtakes the University campus, unsocial elements from outside the campus can easily creep in and participate in the commission of unsocial acts. On such occasions, peace-loving students who are serious about their work choose to remain indoors and are passive spectators of what is happening. Even the Class IV employees, by virtue of their association with student leaders, have developed a militant sense of political mindedness and can, on occasions, become aggressive in respect of causes which may have no relevance to their own welfare.

3.11 Since the "pro-Hindi" and "anti-English" agitation shook the University campus and assumed political overtones in the whole of Uttar Pradesh, another distressing dimension has been added to the divisions amongst the students and the teachers. While recording evidence we got the feeling that students and

teachers coming from non-Hindi areas feel that they are not welcome on the University campus and a narrow trend and tendency seems to be developing which is inclined to treat the Banaras Hindu University as meant primarily, if not solely, for students and teachers coming from areas adjoining Varanasi, which means eastern UP and western Bihar. It is in the light of this picture of the composition of the University community that we proceed to discuss other causes which, in our opinion, have led to the recent unrest and agitation.

(iii) Some of the causes urged by the University (including admission irregularities)

3.12 In dealing with the causes which have led to the recent unrest and agitation on the campus of the University, we propose to deal with a few major causes and in respect of them our inquiry will begin with 1965. For convenience, we may indicate at this stage the names of the Vice-Chancellors who were in charge of the administration during the period. As a result of the recommendations made by the Mudaliar Committee, the then existing Act governing the administration of the University was amended and an Ordinance was promulgated on June 14, 1958 providing for nominated bodies to manage the affairs of the University. This Ordinance was replaced by the Banaras Hindu University Amendment Act, 1958 (No. 34 of 1958) enacted on September 20, 1958. It was while this Act was in operation that Mr. N. H. Bhagwati, retired Judge of the Supreme Court, was appointed the Vice-Chancellor on April 16, 1961. He continued to be the Vice-Chancellor until April 15, 1966. Then followed Mr. M. C. Bijawat, who was the Pro-Vice-Chancellor and who acted as Vice-Chancellor between April 16, 1966 and October 8, 1966. On October 9, 1966, Dr. Triguna Sen took charge as Vice-Chancellor. Soon thereafter, the present Act came into force on December 31, 1966. Dr. Sen, however, relinquished charge on March 15, 1967 when he was invited to join the Union Cabinet as Minister of Education. After Dr. Sen's departure, Dr. K. N. Udupa, managed the affairs of the

University as Rector between March 18, 1967 and August 31, 1967. Then came Dr. A. C. Joshi, who took charge on September 1, 1967.

3.13 Before we refer to the main incidents and trends which in our opinion have aggravated the recent unrest and agitation in the University, it would, we think, be appropriate to mention some general considerations which are relevant to the subject-matter of our inquiry and which have been emphasised before us by some eminent witnesses. These witnesses urged that it was wrong for the Union Government to have delayed the implementation of the Mudaliar Committee's recommendations and to have allowed the organisational set-up introduced under the Amendment Act 1958 to continue until early 1967. Besides, even when the new Act was passed, it is alleged that due attention does not appear to have been paid to the relevant major recommendations made in the Report of the Committee on "Model Act for Universities", and it made a radical departure in the matter of the constitution of the different authorities of the University, which has to some extent led to the complications in the administration of the University and has indirectly contributed to unrest in the minds of the teachers and the students.

3.14 The next point which we must consider pertains to the plea strongly urged before us by the Vice-Chancellor that if only he had received adequate support and assistance from the Union Education Ministry, the recent unrest and agitation would not have assumed the proportions that they did. In this connection, the Vice-Chancellor wrote a letter to our secretary specifically putting forward his point "that if there is any co-relation between the observations of the Union Education Minister and the state of student unrest in the University, that would be properly inquired into." As we have already indicated, under our terms of reference it is our duty to consider any fact which is relevant to our inquiry and if, as the Vice-Chancellor suggests, any act or statement of Dr. Sen, the then Education Minister, has

relevance, we will not hesitate to deal with it. When the Vice-Chancellor gave evidence before us, he specifically stated that in his view "the statements which the Education Minister made in respect of the affairs of the Banaras Hindu University from day to day were not always consistent and they did, according to my judgment, lead ultimately to the prolongation of the unrest of the University campus".

3.15 The other point which the Vice-Chancellor made before us was in relation to the refusal of Dr. Sen to accept an honorary degree from the Banaras Hindu University on the occasion of the session of the Indian science congress which was held at Varanasi on January 3, 1968. The Vice-Chancellor told us that he met Dr. Sen in Delhi and conveyed to him the proposal of the standing committee of the Academic Council in that behalf. According to the Vice-Chancellor, "He (Dr. Sen) hesitated and said that he had declined a similar offer from the Aligarh Muslim University. How could he accept my offer? However, I got an impression that he had agreed to this." Later, at the time of the Science Congress, Dr. Sen refused to accept the honorary degree and that, according to the Vice-Chancellor, created a sense of uncertainty in his mind about the support of the Education Ministry in the discharge of his onerous duties as Vice-Chancellor. He, therefore, wrote to Dr. Sen on January 4, 1968 offering to resign his post (*Annexure XI*). In this letter, the Vice-Chancellor said; "I can well realise that you may have agreed to the Honorary Degree in a moment of weakness or my persuasion. However, when a commitment has been made, it needs to be implemented." The Vice-Chancellor ended his letter thus: "I shall be thankful if you could take steps to select another Vice-Chancellor and relieve me of this office at an early date."

3.16 This letter received a reply from Dr. Sen dated January 14, 1968 in which Dr. Sen told the Vice-Chancellor that there was some misunderstanding about the honorary degree to be conferred on him. "You know" said Dr. Sen, in this letter, "my views

on this subject and how unwilling I am to receive such honours which I am quite sure I do not deserve. My unwillingness to receive a degree from Banaras is all the greater because I hold the office of the Union Education Minister at present and because I have already refused a similar offer made by Aligarh." Dr. Sen then referred to the conversation he had with the Vice-Chancellor and added that he was left with the impression that he had given him an indication of his unwillingness and this was confirmed because he received no special or personal intimation from the University either about this special convocation or about the conferment of the degree on him. Even so, Dr. Sen appealed to the Vice-Chancellor not to resign and said, "These are very difficult times when each one of us had to stand at his post and do his duty, however unpleasant it might be."

3.17 When Dr. Sen met us, we specifically inquired from him whether he had at any stage agreed to the Vice-Chancellor's proposal to receive the honorary degree. Dr. Sen emphatically denied the Vice-Chancellor's suggestion that he had agreed. "Firstly", said Dr. Sen, "when Dr. Joshi suggested that he would offer me an honorary degree, I told him that I would not accept it. I had declined the award from the Aligarh University. As a matter of principle, I feel, that Ministers, particularly the Education Minister, should not take any honorary degrees. I told Dr. Joshi that I had declined one and I could not accept the other. I told this to Dr. Joshi himself."

3.18 On this point, Dr. Sen also made some other statements which are relevant. Dr. Sen referred to the fact that he had gone to Varanasi to attend the inaugural session of the Science Congress and he added, "when I was giving my return ticket to be confirmed to the Vice-Chancellor's P.A., Dr. Joshi said: "How can you go tomorrow? Day after tomorrow is our special convocation and we are going to award you an honorary degree". I said: "What do you mean? You have never written to me". He said: "How can that be?" The Registrar was there and I asked Dr. Joshi to ask the Registrar whether he

had written to me. I asked the Registrar: "Did you post any letter to me?" He said: "No, we did not". I told Dr. Joshi: "You did not inform me that there is a special convocation; that you had passed a resolution to give that honour to me. How can you expect that since I am here, I will remain here and accept it? So I went back."

3.19 It is thus clear that the versions given before us by the Vice-Chancellor and Dr. Sen are inconsistent. When two persons of such eminence give evidence on a specific issue which cannot be reconciled, the task of the committee to decide which of the two statements should be believed becomes difficult and somewhat embarrassing. We have given anxious consideration to this question and we have come to the conclusion that we ought to accept the version given by Dr. Sen. In our opinion, the statements made by Dr. Sen stand substantially corroborated by the fact which is not disputed that Dr. Sen had been offered the honorary degree by the Aligarh Muslim University and he had publicly stated that he had declined to accept it, and he had also added that no Minister, in any case no Education Minister in the Union Government should accept an honorary degree from any university. Having made this public statement, it seems very difficult to accept the Vice-Chancellor's version that after he talked to Dr. Sen, he agreed to accept his proposal in a moment of weakness or as a result of his persuasion. Besides, Dr. Sen pointedly drew our attention to the fact that until he reached Varanasi, he had received no formal or official communication from the University intimating to him that an honorary degree was intended to be conferred on him at a special convocation convened on January 4, 1968, and he told us that this fact was brought home to the Vice-Chancellor in the presence of the Registrar when this matter was discussed between them on January 2 at Varanasi. He had also not received any personal invitation to attend the special convocation. It appears that the Registrar addressed a letter to Dr. Sen and the other recipients of the honorary degree on January

2, 1968 (*Annexure XII*). Whether this was done prior to Dr. Sen's conversation with the Vice-Chancellor or after is a matter which we need not investigate.

3.20 That takes us to the Vice-Chancellor's other plea that the statements made by Dr. Sen in respect of the affairs of the Banaras Hindu University from day to day were not always consistent and they led ultimately to the prolongation of the unrest in the University campus. When the Vice-Chancellor gave evidence before us, he did not refer to any specific statement of Dr. Sen in support of his plea. However, we have looked at the relevant debates in the Parliament pertaining to the affairs of the Banaras Hindu University and we have not been able to find any support for the argument that the statements made by Dr. Sen were not consistent and what is more important that they could lead to the prolongation of the unrest in the University campus. We would content ourselves by referring to one of the many statements which we have read. On December 10, 1968, Dr. Sen while replying to a point raised by Dr. A. G. Kulkarni said: "The first question is whether I agree that all is not well in the Banaras Hindu University. I am as unhappy as all the members here so far as what has been happening there is concerned. But I must say at the same time that the Vice-Chancellor is a non-political man, he is an educationist, he is a scientist, he does not belong to any party. . . . (*Interruptions*). It is very difficult to say. And he has been trying his best to maintain discipline in the University. . . . (*Interruptions*)." Therefore, we do not think that the Vice-Chancellor is justified in assuming that any of the statements made by Dr. Sen in Parliament prolonged the recent unrest in the University. In regard to the statements alleged to have been made by Dr. Sen from time to time, as reported in the Press, the difficulty in assessing the validity of the Vice-Chancellor's contention in respect of them is obvious. We have, therefore, not thought it necessary to consider the different statements alleged to have been made by Dr. Sen and published in the newspapers from time to time.

3.21. In Part II of the statement submitted to us by the University, it has been alleged that the University administration has been adversely affected by the frequent interference by the Ministry of Education in administrative matters, appointments have been stalled even before they were considered by the Executive Council or their implementation stopped within hours of the Executive Council's decision. Such action, the University says, have tended to weaken the administrative authority and led to the lowering of the discipline. We had requested the University to supply us with specific instances in support of this allegation, and three instances were brought to our notice by the University representative when we heard him on June 27, 1969.

3.22 The first instance is based on a note recorded by Dr. Sen on March 23, 1967, that is to say, within a week after he had left the Banaras Hindu University. A copy of this note was forwarded by the Education Secretary to the Registrar of the Banaras Hindu University and was followed by a letter from Mr. B. S. Kesavan, the Honorary Library Adviser to the Ministry of Education, to Dr. K. N. Udupa, the Rector of the Banaras Hindu University (*Annexure XIII*). We have carefully considered these documents and all we can say is that the Union Education Minister, who had just left the Banaras Hindu University, desired to assist the University in reorganising and improving its Library. That, however, cannot, in our opinion, be regarded as undue interference with the administration of the University.

3.23 The second point which the University representative made before us in support of the said plea is that the Visitor issued notices to the University, calling upon the University to show cause why suitable action should not be taken by him in respect of certain complaints received by the Visitor; in this connection, he referred specifically to the complaints made against the appointment of the Professor of Hindi and that of the Principal of Women's College. We will have occasion to refer to these cases later. At this stage, it would be enough to

observe that we find it difficult to appreciate the stand taken by the University that if the Visitor, in exercise of his powers, calls for explanation from the University in respect of representations received by him, such exercise of powers can be regarded as undue interference with the administration of the University.

3.24 The third incident cited by the University representative in this connection is in regard to the selection of certain persons for appointment as Readers and Lecturers in the Political Science Department of the University. The argument was that even before the recommendations made by the selection committee in that behalf were considered by the Executive Council, the University received a telegram from the Ministry of Education and this, it was said, was undue interference with the administration of the University.

In dealing with this point, it is relevant to quote the telegram No. FI-32/68-U2 sent by the Ministry of Education. It reads thus:

“Visitor and Education Minister have received a number of representations from persons including Visitor’s nominee on Selection Committee alleging unfair selection of Readers and Lecturers in Political Science Department(.) Suggest postponement consideration of this item at Executive Council meeting on third September to avoid future complication.”

This telegram was received by the University on September 2, 1968. It shows the anxiety of the Visitor and the Education Minister to avoid any complications which might have arisen in case the Executive Council had decided to accept the recommendations of the selection committee; this anxiety could legitimately be attributed to the fact that the Visitor and the Education Minister had received representations from several persons including the Visitor’s nominee on the selection committee itself. This, again, does not seem to us to justify

the grievance that the Union Education Ministry unduly interfered with the administration of the University.

3.25 In conclusion, we have no hesitation in saying that the three instances cited by the University representative before us do not justify the sweeping allegation made in the statement of the University that the University administration has been adversely affected by frequent interference by the Ministry of Education in administrative matters, as set out above.

3.26 While we are dealing with the University's case, we may also dispose of another point which has some relevance. It appears that when the University campus was disturbed by agitation and unrest, Mr. D. Mazumdar and Mr. N. P. Sinha, two of the student leaders, used to visit New Delhi and present their grievances to the Members of Parliament, the Education Minister, the Chairman, University Grants Commission, the Prime Minister and even the President. It is not unlikely that after visiting important persons in New Delhi, when these two student leaders returned to Varanasi, they glorified themselves by saying that they had discussed University matters with important persons and they expected some results from their discussions. In a democratic country it would, we think, be difficult for any person holding the position of a Minister or the Chairman, UGC, or even the Prime Minister or the President to refuse to meet a citizen, who wants to make a representation about his grievances in relation to the administration of a public institution like the university. That being so, if Mr. Mazumdar and Mr. Sinha sometimes met Dr. Sen or the Chairman, UGC, or the Prime Minister or even the President, no one can legitimately find fault with the leaders who met them. This is part of democratic process and it has to be understood as such.

3.27 But our attention was drawn to the fact that in the *Hindustan Times* of January 5, 1969, a signed article was published by Mr. B. M. Mathur in which it was alleged that "Mr. Mazumdar continues to be a favourite of Dr. Sen and

stays with him at Delhi whenever he goes there." We will have occasion to deal with the case of Mr. Mazumdar's admission to the University later. For the present, the only point we are concerned with is whether it is true that while Mr. Mazumdar was leading a militant agitation against the Vice-Chancellor, he not only saw Dr. Sen but also enjoyed the privilege of staying with him at Delhi whenever he went there. Since the statement made in this article was clear and categorical we invited the writer, Mr. Mathur to give evidence before us. When we asked Mr. Mathur whether he personally knew it as a fact that Mr. Mazumdar stayed with Dr. Sen whenever he went to Delhi, he frankly told us that his statement was based on the information given to him by the Rector, Dr. Hazari Prasad Dwivedi. Whether or not the Rector mentioned this fact to Mr. Mathur, is of no relevance because he made no such statement before us. In other words, the categorical statement made by Mr. Mathur in his article is not based on his personal knowledge and can carry no weight. The matter does not, however, rest here. We asked Dr. Sen whether Mr. Mazumdar ever stayed with him at Delhi and he emphatically denied the allegation and added that it was a lie. We feel no hesitation in accepting Dr. Sen's statement.

3.28 Whilst we are dealing with this aspect of the matter, it would, we think, be legitimate to refer to an unfortunate document which came to our notice when we were holding the inquiry at Varanasi. When Dr. N. K. Devaraj, Dean, Faculty of Arts, BHU, gave evidence before us on April 25, 1969 at Varanasi, we saw that he had kept in front of him a pamphlet and we enquired what that pamphlet was about. He handed over the pamphlet to us and said that he had received the said pamphlet as a member of the Executive Council. Thereupon, we looked at the document and we immediately realised that it was very unfortunate that such a document should have been got prepared by the University and cyclostyled for circulation. At our request, Dr. Devaraj gave the pamphlet to us. This pamphlet bears the title "Dr. Triguna Sen on BHU affairs (from October 15, 1968 to Feb. 28, 1969)".

As it happened, at the time when Dr. Devaraj gave this pamphlet to us, Mr. O. P. Tandon, the Deputy Registrar (Academic), Banaras Hindu University, was present in Nadesar Palace. We then called him and took his statement. He said that this pamphlet had been cyclostyled in the office. In all, 20 copies had been made and were intended to be circulated among the members of the Executive Council and intended for the use of the administrative staff. According to him, the Documentation Unit of the University had compiled this brochure. He could not say whether it had been prepared under the guidance of the Registrar or the Vice-Chancellor, but so far as he knew, everything that was done, was done with the knowledge of the Registrar or the Vice-Chancellor.

3.29 Next day, we called the Librarian, Mr. P. N. Kaula, because we wanted to record his statement in respect of a complaint made by him against Mr. Rajbee. Whilst examining him in that behalf, we asked him whether he had shown the final draft of the brochure in question to anybody of his own status of superior to him, before sending it to be cyclostyled. The Librarian requested the committee not to press him to answer the said question. When the Vice-Chancellor gave evidence before us, he said that the brochure had been prepared under his instructions. In fact, the Vice-Chancellor had written to our secretary on May 10, 1969, in which he had stated that the document entitled, "Dr. T. Sen on BHU affairs" was prepared with his knowledge and broadly under his directions. Thus it is clear that this brochure was prepared under the directions of the Vice-Chancellor himself.

3.30 As the brochure was originally cyclostyled, it contained several extracts from newspapers relating to Dr. Sen, his acts and speeches. Amongst them were certain extracts which were clearly not only critical but which appeared to be in bad taste and *prima facie* malicious. In fact, as soon as the brochure was produced before us, we expressed our concern

that such a brochure should have been published by the University at all and should have been intended for circulation among the members of the Executive Council. On May 8, 1969, the Registrar wrote to the chairman informing him that in the document entitled, "Dr. T. Sen on BHU affairs", paragraphs 10.1, 10.2, 10.3 and 10.4 covering pages 17 and 18 and part of page 16 were included inadvertently and they were meant for some other compilation. The chairman was, therefore, requested to return this document, copies of which had been supplied to the committee on April 25, 1969. A copy from which certain paragraphs were deleted was sent along with this letter. Even while doing so, the Registrar has stated in his letter that the passages deleted from the brochure were meant really for some other compilation. We must confess our inability to understand for what possible purpose these passages could have been compiled by the University.

3.31 We do not wish to comment on the unfortunate incident. We would, however, like, to add that all when we invited the attention of two members of the Executive Council to the publication of this brochure, they were not only astonished, but felt very much hurt that such a thing should have happened. We are unable to see how a brochure of this kind containing all kinds of press extracts relating to Dr. Sen who was then the Education Minister and besides was the predecessor of the present Vice-Chancellor, should ever have been compiled and published under the orders of the Vice-Chancellor.

3.32 The Vice-Chancellor in his letter addressed to our secretary on May 10, 1969, stated that "when the present Inquiry Committee was set up by the Visitor and the University was asked to supply information about the various events", *inter alia*, "it was considered desirable to reconstruct the events also from newspaper reports and other publications. This is the usual procedure followed in scientific investigations. The Documentation Unit of the University Library was directed to prepare a full bibliography on student unrest in the Banaras

Hindu University and also, if possible, an account of various events starting from 1965-66. It was also felt that such a systematic collection of information would be useful not only for the present inquiry, but also for research on problems of student unrest in general". Without expressing any opinion on the advisability or the reasonableness of the project thus undertaken by the University, we wish to express our disapproval of the publication of the brochure as it was originally compiled and cyclostyled though for limited circulation.

3.33 There is one more point which needs to be considered at this stage. It appears to be the University's case that when Dr. Sen took charge as Vice-Chancellor, he virtually reversed the policy adopted by his predecessors and introduced what the University statement, obviously in a spirit of disapproval, describes as "human rather than bureaucratic". In support of this plea, it is said: A policy of leniency was adopted and the three student leaders namely, S/Shri Ram Bachan Pandey, D. Mazumdar and N. P. Sinha were re-admitted. The University rules were relaxed. The students involved in the cafeteria case who were not to be admitted to the University any time, were got admitted in the local DAV College, an affiliated institution of the University. Supplementary examinations were introduced for failures in two items of examinations in all the faculties. In anticipation of supplementary examinations, all such students who had failed were promoted to higher classes. This is called the system of 'back papers'. Another quick decision was that the NCC was made optional. All matters pertaining to indiscipline were dealt with very liberally. In this period, the students leaders' morale got boosted and they felt encouraged to interfere in the University's day-to-day affairs. The senior teachers and wardens got demoralised and cases of indiscipline were not even reported. When reported, they were dealt with by the newly created Students' Affairs Committee. They were not always dealt with objectively. Often when reports were made by Wardens or Principals the student members of this committee tended to protect their

friends. Further, even in the reported cases, when guilt was established, no punishment was given”.

3.34 We do not propose to deal with all the allegations made in the statement, though some of them, we will have occasion to consider later. The only comment we wish to make on this part of the University's case is that no university administration should find fault if a Vice-Chancellor introduces a human approach in dealing with the problems of university administration. Whether you call this policy liberal or human, it is a normal and natural policy to adopt in dealing with impressionable adolescents studying on the university campuses. Some witnesses told us that the policy adopted by Dr. Sen, though it amounted to the reversal of the old tradition would certainly have succeeded if only Dr. Sen had continued to be in charge of the affairs of the Banaras Hindu University for the whole term of his tenure; while some others thought that if Dr. Sen had stayed longer, probably he would have faced difficulties similar to those which his successor had to face. The advocates of this view seem to think that Dr. Sen moved too fast and went too far in introducing innovations in the administration of the University. It would be idle to speculate what course the events on the campus would have taken if Dr. Sen had been in charge of the University as its Vice-Chancellor for the full term of his tenure. One observation, however, can conceivably be made. Since Dr. Sen took over as Vice-Chancellor after a long spell of the administration of the University under a nominated Executive Council and a nominated Court, perhaps it might have been better if Dr. Sen had taken a little more time in assessing the situation, appreciating the strength and weakness of the trends and tendencies which inspired the different constituent elements of the University community and then gradually introduced the said innovations, particularly in regard to the participation of the students in matters concerning discipline and in matters relating to the affairs of the Student's Union; it may be that for the successful functioning of the scheme introduced by him, it was essential that responsive, healthy and proper attitudes should

have been developed in the minds not only of the students but also of the teachers. Whether the creation of the apparatus would itself have accelerated the process of generating these healthy and proper impulses or whether the said apparatus should have been set up after attempting to create on the University campus proper attitudes and approach, again, is a matter on which two views are possible. We would, therefore, refrain from pronouncing any conclusion on this aspect of the matter.

3.35 Another cause which the University has urged before us relates to the active interest which political parties have been taking in the affairs of the University. According to the case of the University as presented before us by its representative, political parties began to take active interest in the student activities on the University campus when the agitation against the proposed abolition of the word 'Hindu' from the name 'Banaras Hindu University' swept the University campus in 1965. Since then student leaders who are active members of different political parties have injected political overtones in the student life on the campus and that has considerably accentuated the recent unrest and agitation.

3.36 At this stage we may refer to the views of the Vice-Chancellor on this point. According to him:

“The next important need is to insulate as far as possible the University from disruptive political forces. In some ways this is linked up with the maintenance of the respect for law. In the coming years the struggle for power in the country will increase. The political parties will make strenuous efforts to capture the minds of the young men and women in the universities. We have to ensure that this does not lead to the disruption of academic life. In this context, it should be analysed how political

forces penetrate the universities. A rough review shows that this happens primarily through four agencies:

1. Political parties,
2. Students wings of political parties,
3. The Court of the University, and
4. The Ministry of Education.

Appeals have been made in the past to political parties to keep their hands off from the educational institutions, but this has had no effect. We cannot depend on them in future also. It is possible with some effort to close the operation in the universities of student wings of the political parties. This may, however, need the use of force, as all political parties, both of the right and the left, may combine when the university takes steps to ban such wings. There is also the danger that a ban of this kind on Student Associations of political nature may drive them underground. The Court and the Ministry of Education, however, are two bodies where a change is possible."

3.37 Some witnesses who gave evidence before us also suggested that political leaders sometimes directly and sometimes indirectly through their active student members started violent agitations on the University campus in support of one cause or another. According to this evidence, the pressure exercised by different political parties working with different—and sometimes conflicting—political ideologies has contributed to the continuance of the student unrest and agitation and they urged that some effective steps should be taken to persuade political parties not to inject partisan political activities on the University campus in the interests of university education.

3.38 We concede that there is considerable force in this view. We do recognise that the presence of active student leaders who are also active members of political parties is bound to introduce political overtones in the student life, and that is a situation which must be avoided. But having expressed our general agreement with the view placed before us by some witnesses and the University that political parties should be dissuaded from taking active part in university affairs so as not to disturb its smooth working, we do not see how in the present inquiry it would be possible for us to decide which political party took part in starting which particular agitation or supporting an agitation which had already begun at the instance of the student leaders. Let us illustrate our point. In regard to the incidents that took place on December 6, 7 and 8, 1968, to which we will refer in detail later, we were told by witnesses that the incidents that took place on December 6 and 7—were instigated by students and outsiders belonging to political parties which wanted that the University should be closed; on the other hand, other witnesses told us that what took place on December 8 in Ramakrishna Hostel was instigated by other political parties by way of reprisal against students who, in their view, were responsible for the incidents of December 6 and 7. It would be immediately noticed that it is very difficult to verify the truth or otherwise of these allegations, and it would not be necessary for us to do so either. While describing our approach in chapter II (iv), we have already indicated that we would be concerned more to identify the incidents which have caused the recent unrest rather than to identify the persons or parties who or which were responsible for them and to devise remedies to avoid the repetition of such incidents. That is why we do not propose to pursue this matter any further.

3.39 We have referred to the allegation contained in the University's statement that admissions liberally made by Dr. Sen contrary to the prevailing rules created confusion in the minds of the teachers and ultimately tended to build up militant

strength in the minds of the students. We will now deal with the problems of these admissions before we proceed any further.

3.40 It appears from the information supplied by the University that Mr. Mazumdar appeared at the third year mining examination in the year 1965 and failed. In the same year, he appeared in a supplementary examination and failed again. In 1966, he repeated his effort as an ex-student, but did not succeed. The result was that under Rule 8 of the rules of admission which obtained in the year 1966-67, he was not entitled for re-admission. The said rule as it then stood provided that in all colleges such students as have failed more than once shall not be admitted as regular students. Repeaters shall appear privately at their respective examinations. Even so Mr. Mazumdar applied for re-admission to the third year integrated mining course in 1966. On August 27, 1966, a meeting of the admission committee of mining and metallurgy resolved that according to rules governing the admissions, Mr. Mazumdar cannot be admitted, as he has failed more than once in the third year mining engineering course as regular student. However, according to the said rules he could appear privately at the examination. On November 1, 1966, the acting Principal of the College of Mining and Metallurgy forwarded Mr. Mazumdar's application to the Personal Assistant to the Vice-Chancellor along with a copy of the decision of the admission committee. On the same day, the Vice-Chancellor returned the said papers back to the Principal. Subsequently, Mr. D. N. Mazumdar, the father of Mr. D. Mazumdar, who was a Reader in one of the departments of the University, wrote to the Vice-Chancellor requesting him that his son may be transferred to the third year metallurgical engineering as he was not interested in the mining course. This application was forwarded by the Vice-Chancellor to the Head of the Department of Mining on November 10, 1966. While forwarding the application, the Vice-Chancellor expressed the hope that the Head of the Department of Mining

will agree with the appeal of the guardian of the student and allow him to be transferred to the Department of Metallurgy. The Vice-Chancellor added that he himself found no reason, academic or otherwise, as to "why we should stand on his way." In reply to this letter, the acting Principal explained the case of Mr. D. Mazumdar to the Vice-Chancellor by a letter dated November 19/21, 1966 and requested him not to permit his transfer. On November 23, the Deputy Registrar (Academic) wrote to the Principal requesting him to admit Mr. Mazumdar to the third year mining course as desired by the Vice-Chancellor. It was at this stage that the admission committee again reconsidered the matter on November 26, and decided to re-admit Mr. Mazumdar to third year mining course "as a very special case". The acting Principal then communicated the said decision of the admission committee to the Deputy Registrar on November 26/27, 1966.

3.41 Then the transfer of Mr. Mazumdar from third year mining to third year metallurgy was re-opened by the Vice-Chancellor as would appear from the letter of the Head of the Department of Metallurgy on December 6. In this letter, the Head of the Department made a reference to the telephonic talk which the Vice-Chancellor had with him regarding the transfer of Mr. Mazumdar. The Head of the Department requested the Vice-Chancellor regarding the issue of a clarification that the sons and daughters of the University employees already admitted to a certain course may be permitted to join any other similar course in a later session provided the curriculum has been the same in the two concerned courses. Thereupon, the standing committee of the Academic Council considered the matter on December 8. It, however, came to the conclusion that the question of admitting sons/daughters of university employees to respective branches at third year stage of integrated course in technology be left to the discretion of the Principal of the college concerned. This decision was communicated to the Principal of the College of Mining and Metallurgy by the Deputy Registrar on December 10. In

his letter, the Deputy Registrar requested the Principal to decide the case of transfer of Mr. Mazumdar in the light of the above decision. On December 12, the Head of the Department of Mining wrote to the Head of the Department of Metallurgy and made a reference to a telephone call from the Deputy Registrar about Mr. Mazumdar's transfer to the third year metallurgy and his request to decide the case that very day as the Vice-Chancellor who was leaving for New Delhi was anxious to know about the result. The Head of the Department of Mining then requested the Head of the Department of Metallurgy to indicate if he had any objection to the transfer of Mr. Mazumdar "under the present circumstances". On this very letter, the Head of the Department of Metallurgy wrote back "We can agree to this transfer as a very special case". That is how, Mr. Mazumdar was transferred to the third year metallurgy course even though the Head of the Department of Mining had originally informed the Vice-Chancellor that he was not prepared to entertain this isolated case in view of the fact that several better students had been asking for transfer and had not been permitted.

3.42 These facts indicate that Dr. Sen virtually asked the heads of the departments concerned to re-admit Mr. Mazumdar first to the third year mining and then to extend the benefit given to the wards of the employees of the University by granting his request to be transferred to third year metallurgy. We cannot help feeling that a departure from the rules, however well-intentioned, is likely to sow the seeds of dissatisfaction in the minds not only of the students but also of the teachers.

3.43 In this connection, we would like to reproduce what the Estimates Committee in its Report on Banaras Hindu University, 1965-66, has observed. Says the Committee :

"The Committee are unhappy to note that the Banaras Hindu University authorities did not seriously consider the suggestions of the Banaras Hindu

University Inquiry Committee, the Committee of the Vice-Chancellors of the Central Universities and the University Grants Commission on the question of weightages given to the wards of the employees of the University and instead several times reiterated their insistence to maintain the practice. The Committee cannot but disapprove the practice of reserving quotas for admission on 12 extraneous grounds as shown in the statement given in para 22 of the Report without any relation to merit as such a practice has a deleterious effect on the standards of university education. The Committee recommend that admissions should as far as possible be on the basis of merit and the practice of giving weightage to the wards of the employees of the University or ex-students of the University or students passing out of the constituent and affiliated colleges of the University should be discontinued.

The Committee would also like to refer to the following passage in the Report of the Standards Committee :

In the interest of standards, it is of the utmost importance to adopt a bold and imaginative policy in respect of admission of students to university courses. Current practices lead to a great many students, who are neither emotionally nor intellectually prepared for higher education, entering the universities. There are several ways in which a more careful selection of students could be made such as approving only such students as have secured a fairly high percentage of marks at the school examinations or special weightage being given to marks in important subjects like languages and mathematics. A consideration of their cumulative record at school or a *viva-voce* or written test is

also desirable. Each university will have to identify by investigation over a number of years the particular method or combination of methods which is likely to yield the best results.

The Estimates Committee are in full agreement with the above observations of the Standards Committee and would stress the need for making admissions more selective and strictly controlled."

The only comment we would like to make in this connection is that it took the University three years to give effect to these salutary recommendations.

3.44 That takes us to the case of Mr. Ram Bachan Pandey. Mr. Pandey was admitted to M.A. (Prev.) Mathematics class in July, 1965. At that time the minimum eligibility conditions for admission to the said course were: 45 per cent marks in aggregate at the qualifying examination and 45 per cent marks in the subject offered. Mr. Pandey fulfilled these conditions and was admitted to the course. He however, could not appear at the examination due to shortage in attendance.

In July, 1966, Mr. Pandey applied for admission to the same course. Meanwhile the minimum eligibility conditions for admission to the said course were modified. These modified conditions required that in order to qualify a student for admission to the course, he should have secured 45 per cent marks in aggregate and 50 per cent marks in the subject offered. This latter condition, Mr. Pandey did not satisfy.

When Mr. Pandey applied for re-admission, he contended that his case should be treated as that of a repeater, in which case the minimum eligibility conditions which would apply to him would be those that were in operation in the year 1965-66. Mr. Pandey's case was referred to the admission committee by the Pro-Vice-Chancellor and the committee took the view that Mr. Pandey could not be treated as a repeater and, therefore, had to satisfy the minimum eligibility test prescribed for the year

1966-67. The committee also did not feel inclined to relax the application of the modified minimum eligibility conditions in respect of Mr. Pandey, because it was reported to the committee that Mr. Pandey had been organising illegal meetings within the Banaras Hindu University Students' Association Building in spite of orders to the contrary. The Principal, Central Hindu College, where Mr. Pandey was studying, also reported that Mr. Pandey had been involved in provocative acts and was making abusive speeches in front of the Pro-Vice-Chancellor's house and the Registrar's Office on July 28 and 29, 1966. The Principal's report further showed that Mr. Pandey had organised, as recently as October 7, 1966, a meeting in the Birla Hostel without taking permission from the Warden.

3.45 When this decision was communicated to the Registry, the Deputy Registrar (Academic) made a note in which he suggested that Mr. Pandey's case may be treated as the case of a repeater or a student who has been detained and his case should be considered in the light of the rules prevailing in 1965-66. Dr. Triguna Sen, who had then assumed charge as Vice-Chancellor, agreed with the view expressed in the note of the Deputy Registrar and ordered on November 18, 1966 that the candidate may be permitted to be re-admitted. Thereafter, on November 22, 1966, the admission committee met to consider the communication received from the Deputy Registrar on which the Vice-Chancellor has passed an order. The admission committee reiterated its earlier view and said that Mr. Pandey did not deserve admission. On this occasion the committee observed that in refusing admission to Mr. Pandey, "There is no question of refusing admission on any disciplinary or other grounds so far as this candidate is concerned." This communication was again received by the Registry and the Deputy Registrar made a note reiterating his earlier views. This note was made on November 22, 1966. On this note again, the Vice-Chancellor ordered: "Principal

C. H. C. (Central Hindu College) may see the above note and order admission of the boy." That is how Mr. Pandey came to be re-admitted.

3.46 On these facts, a question may well arise whether the view taken by the admission committee was right or the view set out by the Deputy Registrar in his notes to the Vice-Chancellor was right. Without going into the merits of these two views, we think it would have been better if the Vice-Chancellor had met the members of the admission committee and discussed the matter with them. The question involved was one of interpreting the rules, and if only the Vice-Chancellor had met the members of the admission committee, it might have been resolved and it would not have become necessary for the Vice-Chancellor to overrule the recommendations made by the admission committee on two occasions. It is incidents of this kind that are likely to create a conflict between the administrative wing and the academic wing of the University.

3.47 Then we turn to the case of Mr. N. P. Sinha. Even in regard to Mr. Sinha's case we are taking the facts from the note supplied by the Deputy Registrar (Academic) to us. It appears that Mr. Sinha failed in the supplementary examination of LL.B. Final (IIIrd and IVth term) in 1965-66. He wanted re-admission to the same class, but was refused admission because he was not eligible according to the relevant rules. On September 22, 1966, Mr. Sinha applied to the Pro-Vice-Chancellor requesting that his case for re-admission should be considered and alleged in his representation that he felt that admission had been refused to him on account of his activities as Secretary of the Banaras Hindu University Students' Association. On the application made by Mr. Sinha, the Pro-Vice-Chancellor noted that "as no failures had been admitted into the Law College, there was no question of victimisation". Nevertheless, he referred Mr. Sinha's case to the Principal for disposal. The Principal, in reply, stated that there was no occasion to

consider the past conduct of Mr. Sinha because Mr. Sinha was not eligible in accordance with the rules, which he quoted in his letter. The Principal added that these rules had been adopted and implemented long before Mr. Sinha expressed his desire to be admitted. Not deterred by this decision, Mr. Sinha again applied for admission on October 12, 1966. This time Mr. Sinha applied to the Vice-Chancellor, who had in the meanwhile taken charge. On this application, the Deputy Registrar put up a note on November 18, 1966 suggesting, for reasons mentioned in the note, that Mr. Sinha may be admitted to the L.L.B. IVth term, to which he had been promoted in the previous session. The Vice-Chancellor asked the Dean of the Faculty of Law to order for the admission of Mr. Sinha, on November 22, 1966.

3.48 It appears that soon after Dr. Sen took charge as Vice-Chancellor, the question of admission of Mr. Sinha along with similar other cases was taken up for consideration. The students concerned were involved in police cases and it was decided to consider the question of their admission after they had tendered apologies to the Vice-Chancellor. In due course, Mr. Sinha tendered apology, which was accepted, and the cases which had been instituted by the said students against the members of the staff of the University had been withdrawn. It was in the light of these facts that the Deputy Registrar suggested to the Vice-Chancellor that Mr. Sinha's request for re-admission should be granted and the Vice-Chancellor accepted this suggestion. After the Dean received the communication contained in the Vice-Chancellor's decision of November 22, 1966, he wrote back to say that the IVth term course of study would really commence from the fourth week of December and the question of admission in the IVth term would only then arise. He also urged that the benefit of "promotion" which Mr. Sinha had, had been lost because of his not having fulfilled the relevant condition. The Dean, therefore, adhered to his view that Mr. Sinha could not, at that stage, be admitted to the IVth term unless he passed the IIIrd term examination which was

scheduled to be held from December 10 and for which Mr. Sinha had filed an application as an ex-student. Eventually Mr. Sinha appeared as an ex-student and passed the IIIrd term examination and thereafter he was admitted to the IVth term.

3.49 It would thus be clear that though the Vice-Chancellor desired that Mr. Sinha should be admitted to the IVth term at the earlier stage, he was in fact not admitted at that stage and he secured admission after he had cleared his IIrd term examination. In this case we do not think that we can or should make any comment.

3.50 That takes us to the cases of admissions arranged by Dr. Sen of three students who were involved in what is described as "the cafeteria incident". This incident was the result of a scuffle which took place between two groups of students and led to the destruction of a part of the cafeteria property. In consequence, different orders of punishment were imposed on the students involved in the said incident. These three students were got admitted by Dr. Sen in a college affiliated to the University. According to the statement filed by the University, these admissions were irregular and should not have been directed by Vice-Chancellor, Dr. Sen. We are not inclined to attach any importance to this part of the University's case, because we find that a student who was involved in the same incident was subsequently admitted by the present Vice-Chancellor in July, 1968. Therefore, it does appear that both Dr. Sen and the present Vice-Chancellor took the view that a lenient view should be taken in regard to the students involved in the cafeteria incident. If the present Vice-Chancellor admitted one student in July, 1968 and no comment can be and is being made against his action, we do not see how any comment can be made in regard to the admission of the three students which was arranged by Dr. Sen.

3.51 In conclusion, we would like to state that whatever may be said about the other admissions ordered by Dr. Sen on which

the University's statement relies, Mr. Mazumdar's admission, and particularly his transfer from Mining to Metallurgy course which also Dr. Sen directed, was, in our opinion, not justified.

3.52 Before we part with this topic of admissions, we must refer to Mr. Sinha's admission to M.A. (Prev.), Political Science, in 1967-68, to which our attention has been drawn by the University in its statement. At the time when Mr. Sinha was admitted to M.A. (Prev.), Political Science, Dr. K. N. Udupa was in charge of the administration of the University as its Rector. Before dealing with the merits of the admission of Mr. Sinha, let us set out the relevant rule. The prevailing rule in respect of admission to M. Com. (Prev.), M.A. (Prev.), reads thus: 45 per cent in the aggregate and 45 per cent in commerce or in the subject offered except in the case of casual women students who may be admitted, if they have secured 40 per cent in aggregate and 45 per cent in the subject offered. Subsequently, this rule was changed by the standing committee of the Academic Council on July 22, 1966. The amended rule reads thus: "Resolved that with effect from the session 1967-68, minimum marks for admission of regular as well as casual students to the postgraduate courses in the faculty of arts be prescribed as 40 per cent in the aggregate as well as in the subject at the qualifying examination." This decision was communicated to the Principal, Central Hindu College and the Principal, College of Indology on the same day. While forwarding the decision to the two respective principals and the concerned heads of the departments, the University had requested them to submit names of such candidates as could not be admitted due to their marks remaining lower than 40 per cent in the aggregate and in the subject for further consideration.

3.53 This course was adopted by the University because it appears that a large number of seats were still available in many departments in the above colleges and so the Rector thought it advisable to admit all such candidates who have secured below

40 per cent in the aggregate and 40 per cent in the subject, as a very special case for this year only. It was in pursuance of this direction from the Rector that Mr. N. P. Sinha came to be admitted to the M.A. (Prev.), Political Science, course during the session 1967-68. It is thus clear that the admission of Mr. Sinha under the directions issued by the Rector was intended to benefit all students who did not satisfy the prescribed test of marks because the quota allotted to the respective departments of the colleges had not been filled up. From the information supplied to us by the University it appears that this direction benefited not only Mr. Sinha but 15 other students admitted in different departments. Therefore, we do not think that any complaint can be legitimately made against the admission of Mr. Sinha to M.A. (Prev.), Political Science. Incidentally we might refer to the fact that somewhat similar relaxation of the relevant rules appears to have been made by the dean of the faculty of arts for admission to the M.A. in Bengali in 1968-69, and one of the three students thus admitted was at the instance of the present Rector himself.

(iv) Two general agitations

3.54 (I) The first explosion of the power of politically articulate students leadership was seen on the University campus in November, 1965: It appears that the Banaras Hindu University Amendment Ordinance was promulgated on June 14, 1958. The Ordinance was replaced by an Amending Act of Parliament, No. 34 of 1958, enacted on September 20, 1958. Then a Bill proposing comprehensive amendments to the Banaras Hindu University Act, 1915 as amended was introduced in the Lok Sabha on May 5, 1961. This Bill could not be passed before the dissolution of the Second Lok Sabha which took place in March, 1962.

3.55 Later, the said amending Bill was again introduced in the Rajya Sabha on May 5, 1964, and it was referred to a joint

committee of the Houses on November 25, 1964. The Bill as it was ultimately passed by the Rajya Sabha on November 16, 1965 provided, by section 2, *inter alia* that "whereas to perpetuate the memory of late Pandit Madan Mohan Malaviya, it is desirable to rename the said University as the Madan Mohan Malaviya Kashi Vishwavidyalaya; it is hereby enacted as follows :—(ii) in sub-section (i) of section 1, for the words "Banaras Hindu University", the words "Kashi Vishwavidyalaya" shall be substituted". Then the Bill was remitted to the Lok Sabha for its consideration.

3.56 When the Bill was thus remitted to the Lok Sabha, containing the clause by which the name of the University was sought to be changed, violent unrest overtook the University campus. In fact, this unrest was not confined only to the University campus, but spread over not only Varanasi but the whole of the State of Uttar Pradesh. It is unfortunate that before the Rajya Sabha adopted the relevant clause while passing the Bill on November 16, 1965, the Union Education Ministry did not take the precaution of ascertaining the views of the University community in this matter. It would have been better if ground had been prepared by the Government for acceptance of the said change by consulting the University authorities and trying to secure, if possible, their approval to the proposed change and by educating public opinion in that behalf. During the course of this violent agitation, large processions were taken out and meetings held at which the Bill then pending before the Lok Sabha was violently criticised. Ultimately, however, as the Bill was finally enacted, the proposed change in the name of the University was dropped and the public at large generally and the University community in particular had reason to believe that this change was due to the violent agitation which overtook the whole of Uttar Pradesh, including the Banaras Hindu University. This was the first time after 1959 that a sense of power developed in the minds of the politically active and aggressive elements amongst the student community.

3.57 (II) Having dealt with the agitation which shook the University in November 1965, we might conveniently, at this stage, refer to the other violent agitation which disturbed the University campus in November-December, 1967. At that time some political parties started an intensive campaign for the abolition of English and for the immediate use of Hindi. This movement adopted the slogan "Angrezi Hatao". As a result of this movement, some students began to make a demand for the abolition of English from the University curriculum. They also demanded that the official business of the University should be transacted in Hindi. When the movement was at its height, attempts were made to deface the English name-plates and sign-boards and notice boards in the University with coal tar. In fact, the inscription in English at the foot of the statue of Malaviyaji at the University gate was also defaced with black paint. It appears that on November 28, 1967, hartal was observed in the city and in the University campus. The students went out of the University campus and took part in damaging English sign-boards in the city. A huge procession was taken out in support of the call for the abolition of English and for the immediate introduction of Hindi. As a result of this agitation orders under section 144 of the Criminal Procedure Code were passed. During the course of this agitation, some students were in fact arrested for defying the police orders.

3.58 The atmosphere in Varanasi, including the University campus, was so much surcharged by emotional fervour in support of this agitation that the Students' Union spent a large amount of its funds for taking part in the agitation. This expenditure included travelling allowance bills. After the agitation was over, the executive committee of the Students' Union passed a resolution approving of the said expenditure and when the said resolution was submitted to the Vice-Chancellor, through the Treasurer, he himself put his seal of approval on the same. It is unfortunate that the Vice-Chancellor should not have warned the students that the funds entrusted to the Students' Union are not intended to be used for such purely political purposes. The

action of the Vice-Chancellor in approving the said resolution is difficult to reconcile with the relevant provisions of the constitution of the Students' Union which deal with the allocation of funds entrusted to the Union and the procedure for incurring expenditure. This conduct of the Vice-Chancellor assumes ironical significance when we notice that on behalf of the University a complaint has been made before us that in the subsequent agitation, which is the subject-matter of the present inquiry, the leaders of the Students' Union used major part of the funds entrusted to it by incurring expenditure, such as, T.A. and trunk calls in support of the agitation carried on by the Union against the Vice-Chancellor.

3.59 One special feature common to both these agitations, however, must be emphasised; and that is, that on both the occasions the students who joined the agitation did not allow their differences to come in the way. In other words, though normally students were divided into different groups, and these differences became very acute later, when the two agitations were started, and these differences were obliterated and the student community as a whole participated in the agitation along with the rest of the community at Varanasi. The inevitable consequence of these two agitations was that student leaders who were politically oriented became very conscious of their strength and power, and that introduced an imponderable factor in the peace and harmony on the University campus.

(v) Major events and incidents

3.60 We will now turn to the major events and incidents which have contributed to the recent unrest and agitation on the University campus. We will deal with them in their chronological order.

3.61 The first incident with which we must begin took place on February 3, 1966. It appears that the Golden Jubilee Convocation of the University was proposed to be held on February 4, 1966, wherein the President of India and other distinguished persons were expected to participate and receive

honorary degrees. On February 5, 1966, the Annual Convocation was to be held, at which the Union Defence Minister, Mr. Y. B. Chavan, was to address the gathering. It was in connection with these functions that the local civil authorities wanted a full dress police rehearsal on February 3, 1966. They contacted the University authorities for permission for the said rehearsal and the permission was granted. According to the statement filed by the University, it further appears that on February 3, 1966, about 10.30 A.M., the first members of the rehearsal party arrived at the University's main gate where the Chief Proctor met them and brought them to the amphitheatre ground where the Convocations were to be held. Thereafter, several vehicles loaded with members of the rehearsal party entered the campus. An accident took place in the University campus on the main road, some 50 yards south of the main gate, at about 11.15 A.M. A student was run over by one of the incoming police vehicles which, however, did not stop either to remove the victim to the adjoining S. S. Hospital or to render any other help to him. The vehicle was, in fact, driven away from the scene of the occurrence. The student was removed to the hospital; but despite the medical attention given to him, he died. The news about this accident spread throughout the campus. At this stage, the police authorities decided to withdraw from the campus. One of the police vehicles, which was collecting police personnel came towards the main gate, and stopped on the main road about 50 yards south of the place where a student had been run over earlier in the morning. The Chief Proctor, who was on his way to the scene of the accident from S. S. Hospital, reached the spot where the vehicle had stopped and he found that an agitated section of the students which had collected at the scene of the accident started pelting brick-bats and broken pieces of earthen flower pots. The Chief Proctor tried to pacify the agitated students, and, with the help of the members of the staff and students of the University, assisted the police personnel to get out of the vehicle. However, on alighting from the vehicle, the policemen ran helter-skelter and, while the Chief Proctor and others were engaged in protect-

ing them and escorting them out of the campus, someone set fire to the empty vehicle. At this time, a large gathering had collected, including many outsiders. The University states that the acts of pelting brick-bats and setting fire to the police vehicle were the result of unpremeditated instantaneous stimulus generalisation on seeing the police vehicle inasmuch as, despite the fact that human life was involved in the accident, the driver and the occupants of the police vehicle running over the boy did not show even the common courtesy required for the occasion. Later the University authorities reached the scene of stimulated generalisation; by then the police personnel had already been helped out of the University campus and the empty vehicle was ablaze. This chapter of the incident was closed at about 12.30 P.M.

3.62 Long after the withdrawal of the police force, when the situation on the campus had been brought under control by the University authorities, steel-helmeted civil authorities, including the District Magistrate and other magistrates, and two deputy superintendents of police and others, with a large number of steel-helmeted police force armed with lathis and fire-arms, returned to the University and re-entered the campus against, and in defiance of, the suggestions of the University authorities. Having thus entered the University campus, the police force indiscriminately and without any lawful or just excuse chased, assaulted and injured innocent persons including ladies and other citizens and damaged property. This incident gave rise to a violent agitation against the high-handed action of the police.

3.63 As a result of the pressure exercised by popular indignation caused by this incident, the Government of Uttar Pradesh appointed an Inquiry Commission. The University's case is that the public in general and the University community in particular did not have confidence in the One-Man Commission thus appointed and they desired that the Union Government should have intervened and appointed an independent Commission of their own. "The Union Government," says the statement of the University, "refused to intervene on the ground

that law and order was a State subject. Paradoxically, the Government appears to have changed its views in 1968 in appointing the present committee when problems of law and order were again involved. The impact of governmental decision not to come to the University's rescue in 1966, demoralised the University administration."

3.64 We are not concerned in the present inquiry to consider whether the public at large and the University community had confidence in the One-Man Commission appointed by the Government of Uttar Pradesh and, if not, whether the said alleged lack of confidence was justified. We ought, however, to make one comment on this part of the University's case, and that relates to the complaint made by the University against what the University seems to regard as the inconsistent attitude of the Union Government in refusing to appoint a Commission in 1966 and in appointing the present committee of inquiry. We are unable to see the logic or the reasonableness of this complaint. Whereas in 1966 the One-Man Commission appointed by the State Government was called upon to deal with the conduct of the police, which involved a problem of law and order in the strict sense of the term, the present inquiry is concerned to find out what are the causes for the recent unrest and agitation on the University campus and what are the remedies to improve the position in that behalf. Law and order, in the strict sense of the term, falls within the purview of the State Government, and the Union Government would not normally, except with the concurrence of the State Government, like to appoint a Commission of Inquiry in such a situation. The present committee has been appointed by the Visitor in exercise of the powers conferred on him under section 5(2) of the Act, and, as we have just indicated, the scope of the inquiry and the object of appointing the committee are entirely different. Therefore, we do not feel impressed by the plea which has been made by the University that the failure of the Union Government to appoint a Commission of its own in 1966 demoralised the University administration.

3.65 The next incident took place on March 24-25, 1966, in the cafeteria, and as a result of this incident some property belonging to the cafeteria was destroyed. This led to the appointment of an inquiry committee by the Pro-Vice-Chancellor. The inquiry committee held an inquiry and found certain students guilty of misconduct. In the result, the inquiry committee recommended the imposition of different punishments on the guilty students. We have already dealt with the question as to how some of the students thus punished came to be re-admitted by Dr. Sen and Dr. Joshi.

3.66 On October 25 1977, a girl aged about 10 years was seen in the Birla Hostel premises at about 12.30 P.M. She had gone there to see a student who stayed in one of the rooms in the hostel. That student was not present in his room. It is alleged that two students in the adjoining room told her that the student whom she wanted to meet had gone for lunch and would soon return. They induced her to go into their room and there they are alleged to have raped her. The Administrative Warden of Birla Hostel was asked by us about this incident. He said that on the day in question, when he was taking lunch, one of hostel servants went to him and told him that a girl was found weeping in front of Room No. 180 in Birla Hostel. That room was locked. He went to the neighbouring room. He found no boys in that room. This incident also created a commotion in the University campus and was also mentioned in one of the meetings of the Executive Council.

3.67 It appears that the Vice-Chancellor asked Dr. Brij Mohan, who was then Principal of the Central Hindu College, to hold an inquiry into this matter. On December 9, 1967 Dr. Brij Mohan reported that the student whom the girl had gone to see claimed that she was his sister and that about 1.00 P.M. the student came and accompanied her from the hostel. The report then observed that under the circumstances, there was no conclusive evidence against the student who stayed in the room himself or any other person. However, necessary orders had been issued to prohibit the future entry of any girl in the

hostel premises without the prior permission of the Warden concerned. Dr. Brij Mohan, therefore, advised that the matter may be filed. This report was accepted by the Vice-Chancellor who told us that in view of the said report no action could be taken in the matter. In our opinion, the report made by Dr. Brij Mohan is perfunctory and indicates a casual approach, and we are not satisfied that the Vice-Chancellor was justified in not directing a deeper and more thorough probe into this incident. Many witnesses made a pointed reference to this incident and complained that the University authorities did not take effective action to find out the truth.

3.68 The next incident took place on November 15, 1967, in the afternoon, when an outsider named Maqbool was found committing theft in Room No. 72 of Broacha Hostel. He was caught red-handed by the residents of the hostel and when he tried to escape, the students chased him and got hold of him and took him towards the Chief Proctor's Office. On the way they gave him merciless beating. In consequence of this beating Maqbool became unconscious. Under the orders of the Chief Proctor, he was removed to the S. S. Hospital on the campus of the University and it appears that either on the way to the hospital or soon after he reached the hospital, he died as a result of the injuries inflicted on him. The Chief Proctor informed the Vice-Chancellor about the incident and a formal complaint was lodged with the police and the case handed over to the deputy superintendent of police who had arrived on the University campus as a result of the intimation received from the Chief Proctor.

3.69 Before we proceed to deal with this incident, we wish to make one point clear. Maqbool, who was mercilessly beaten by the students, happened to be a Muslim. From the evidence before us, we are satisfied that the assault on Maqbool had nothing to do with the community or religion of the victim. The students were very angry with Maqbool because he was caught red-handed while committing the theft and this was not the first time that he had attempted to commit a theft in the

University campus. It is obvious that after catching hold of the thief, the students were thoroughly unjustified in taking the law into their own hands and their action deserves to be condemned. But while condemning their action, we ought, in fairness, to record the finding that this action, however thoughtless and reprehensible it might be, had nothing to do with the religion of the victim.

3.70 This incident has caused us very grave concern. The attitude adopted by the Proctorial Staff and even by the Vice-Chancellor in connection with this incident has disturbed our minds very rudely. The University administration seems to have taken the view that as soon as they lodged a complaint about this incident with the police, their duty was over. It is true that when a big crowd of students indulged in this wanton act of brutal assault on a helpless victim, it would not have been easy to secure reliable evidence as to who actually beat the thief so as to secure the conviction of the culprit in a criminal court. But we feel some difficulty in believing that if the Chief Proctor and his staff had immediately made discreet inquiries, they could not have found who were the main persons who took part in beating Moqbool. The Chief Proctor, however, told us that after the case was handed over to the police, his duty was "to render the police mere mechanical assistance of producing boys whose statements they wanted." We must express our disapproval of the approach and the attitude disclosed in this statement. When such an ugly incident as serious beating leading to death had taken place in broad daylight in the campus, we think the Chief Proctor and his colleagues should have been more alert in helping the police to find out who were concerned with the Commission of the offence. Whether or not they would have been able to get the evidence to establish the guilt against the persons whose names might have been reported to them in the course of their inquiry is another matter. It is hardly necessary to emphasise that it is the moral obligation of the University to take effective action, when such an ugly incident takes place on its campus so as to prevent its possible recurrence in future.

3.71 It appears that as a result of the inquiry made by the police, a report was filed before the Court which had taken cognizance of this complaint that it was found not possible to collect evidence as to who the offenders were, and acting on that report the Court passed an order treating the case as closed. Later, the Maqbool incident figured prominently in the debates in Parliament and orders were issued to the CID to hold an inquiry in respect of the incident. The report made by the CID has been produced before us. It says that the CID felt that the students were justified in chasing and apprehending Maqbool, as he was seen committing theft, and recovering the stolen property, and in that process causing reasonable harm to him till the recovery of the stolen property was made, because Maqbool assaulted some students in his bid to escape from there. The report further says that from the injuries found on the person of Maqbool in the post-mortem examination it seemed that the students had, to some extent, exceeded the right of private defence of property which was permissible under the law. Having said this, the report has added that it may be significant to mention that neither Maqbool was armed with any deadly weapon, nor the students had inflicted serious injuries on his person, inasmuch as all the injuries found on the person of Maqbool could be caused by fists and kicks and due to his falling on the 'pucca' road. Moreover, none of the injuries was **individually sufficient to cause death.** "Despite best and persistent efforts", says the report. "nobody is coming forward to depose and specify the names of the students who inflicted injuries to Maqbool at the time of over-powering and apprehending him. Under these circumstances, no responsibility of exceeding the right of private defence of property could be specifically fixed on anybody either individually or collectively." The conclusion was: "No useful purpose is likely to be served by pursuing the investigation further." This report was made on January 28, 1969.

3.72 We have carefully considered both the reports made by the police officers in connection with this crime and have

taken into account the evidence given by the respective police officers. In our opinion, the conclusion seems to be inescapable that the police authorities did not take effective action in the matter of investigating this crime. We are conscious of the difficulties with which such an inquiry was inevitably beset. But the offence having taken place in broad daylight on the University campus, we cannot reasonably take the view that if the police had made effective efforts to find out the culprits, it would have been impossible for them to trace them. In this connection we ought to add that we are not impressed by the plea made by the investigating officer that after recording the statements of some witnesses on November 15, 16 and 19, 1967, later the police officers found it difficult to enter the University for further investigations because of the "anti-English" agitation.

Our feeling of concern is accentuated by the fact that in the latter report made by the police officers, an attempt has been made to suggest that in assaulting Maqbool, the students were entitled to exercise their right of private defence, inasmuch as Maqbool had stolen some property and was seeking to run away with it, and the conclusion drawn is that they had to *some extent* exceeded that right. This conclusion seems to us to be completely disingenuous. One has merely to imagine the situation which Maqbool faced. No doubt, he had committed a theft on the University campus before and on this occasion was found to do the same. But he was caught while he was in the act of leaving the room where he had committed the theft and naturally he must have attempted to run away. Students then gathered in large numbers and caught hold of him. In such a situation, it is difficult to imagine that a right of private defence of property could legitimately arise and that anyone could reasonably suggest that the severe beating which a large number of students gave him merely amounted to exceeding the result of private defence to *some extent*. As we have already mentioned, this incident has caused us very grave concern which is accentuated by the facts that in regard to this incident, energetic action was ~~not~~ taken to find out the offenders, either by the police or

by the University authorities. Most of the witnesses who appeared before us told us that this incident shook the whole University community and created a sense of despair, fear and insecurity in their minds.

3.73 Before we part with this unfortunate incident, we ought to refer to another collateral matter arising out of it. Most of the witnesses who appeared before us unhesitatingly mentioned to us the name of one student and added that he had taken a leading part in the assault on Maqbool. The Chief Proctor himself told us that amongst the names of miscreants mentioned to him, this name was included.

3.74 We have already made it clear in the earlier part of our report that whilst we are dealing with these unfortunate incidents, some of which are criminal in character, we do not propose to pronounce any verdict on the identity of the criminals, because we have not conducted the inquiry in that way and it would not be fair on our part to deal with the merits of the charges which were levelled against one person or another during the course of our inquiry by some witnesses. One thing, however, is clear from the evidence, namely, that many people in the University campus associated the name of this individual with the assault on Maqbool and yet this person has received what can be well described as a very special treatment.

3.75 This person was appointed a Research Officer under one of the schemes approved for one of the departments of the University. It appears that the scheme in question was proposed by the head of the department on September 2, 1968 and sanctioned on September 16, 1968. Under this scheme, one Research Officer on Rs. 300 per month was authorised to be appointed. Notice about this intended appointment was put on the notice board of the department on September 17, 1968. The last date for receipt of application was September 20. A panel constituted by the department met on September 21 and found that there was only one application, and that was by the person in question; and his name was recommended and as

soon as this recommendation of the panel was communicated to the Registrar, an order appointing him was conveyed on the same day. Later the services of this person were extended by a resolution of the Executive Council passed on January 25, 1969.

3.76 The same person was given another appointment by the University authorities as one of the seven assistant proctors on October 1, 1968. By virtue of this appointment, he became entitled to get an additional allowance of Rs. 50 per month. We are free to confess that we were not surprised that a large number of witnesses referred to this case with great bitterness and complained that the administration was showing him special favours. They drew our attention to the fact that this person played a somewhat significant role in recovering Satnu Ram, to which incident we will refer later. These witnesses also pointed out that the appointments referred to above were made very soon after the expulsion of the three student leaders, Mr. Majumdar, Mr. Sinha and Mr. Ravi Shankar Singh. The witnesses wanted to draw certain inferences from this preferential treatment, but we refrain from doing so.

3.77 However, we would like to refer to one fact which has come to our notice during the course of our inquiry, which may not be irrelevant. At its meeting held on October 7, 1968, the Executive Council adopted Resolution 189(3). This resolution reads thus :

“The question of appointment of Assistant Proctors from amongst the students of the University was also discussed *vis-a-vis* cases of students who were associated with some acts of indiscipline in this University. The Executive Council decided that such students who are involved in cases of indiscipline be not appointed Assistant Proctors.”

It, however, appears that at its next meeting held on November 15 and 16, 1968, when the Executive Council confirmed the minutes of its earlier meeting, it resolved, inter alia that Resolution No. 189(3) be deleted. It is somewhat surprising that while

confirming the minutes of its earlier meeting, the Executive Council should in substance have reversed the resolution which it had passed at its earlier meeting. But apart from this consideration, we have not been able to understand why such a salutary resolution as Resolution No. 189(3) which had been passed by the Executive Council on an earlier occasion was virtually set aside at the next meeting. When we asked the University representative to explain to us the reasons why the resolution in question was deleted at the subsequent meeting, he pleaded his inability to do so.

3.78 The next incident took place on January 3, 1968. On this day, the Prime Minister visited the University campus to inaugurate the Indian Science Congress which was held at Varanasi. When it was known that the Prime Minister would inaugurate the said Congress, some political parties announced that they would demonstrate against the Prime Minister on the occasion and would make it difficult for her to inaugurate the Congress. It appears that as a result of this attitude adopted by some political parties, the situation became tense and section 144 of the Criminal Procedure Code was promulgated. The inaugural ceremony, however, on the whole, went off peacefully, though a few students smuggled themselves into the Science Congress pandal and demonstrated against the Prime Minister. At this time there was a clash between the demonstrators and the PAC at the University Gate and brick-batting, lathi charges and tear gas shells followed. On this occasion, the then Chief Minister of the State, Mr. Charan Singh, accompanied the Prime Minister.

3.79 Since it was thought necessary to induct the police on the University campus to see that the inaugural ceremony passed off peacefully, political parties averse to the visit of the Prime Minister started agitation and that led to a fast by a Member of Parliament, who is also a member of the BHU Court. The Vice-Chancellor told us that he tried to persuade the Member of Parliament to give up his fast, but the Member told him that his fast would continue as long as the police were on the University campus. It appears that about this time a

counter-fast was staged by representatives of a group of students as a protest against the fast undertaken by the Member of Parliament. The Member of Parliament told us in his evidence that he was asked by some people to explain why he was going on fast and requested him to speak on the situation to the persons who had gathered around. When he was speaking on the occasion, he saw 3-4 students coming from one side and shouting that he should not go on fast. After some time, one of them moved towards him with a knife. However, that student was overpowered by the others and was handed over to the proctor. When we put this allegation to the student concerned, he denied it, and the Proctor also denied that any student was handed over to him as alleged by the Member of Parliament. We do not propose to go into the merits of this controversy. We have referred to this incident to make two points. The first point is that it was at this stage that Mr. Sinha and his friends publicly demanded the resignation of the Vice-Chancellor. The second significant development was that a group of students was formed which wanted to oppose the activities of Mr. Sinha, Mr. Majumdar and their friends. It was this group which, according to the evidence, assisted the University authorities in their efforts to see that the inaugural function of the Indian Science Congress passed off peacefully.

3.80 That takes us to the incident which took place on the night of February 17, 1968. On that day, a cultural programme was arranged after the Convocation and when the programme was about to come to a close, a number of girl students left the hall and wanted to proceed to their respective places of residence. On the way some of these girls were alleged to have been molested. When the report about this incident reached the Dean of Students and the Chief Proctor, they went on the scene and found that some students had already been caught. Later, the matter was reported to the Students' Court of Honour and the Court decided that strong action should be taken against the students who were found guilty of the charge of molesting the girls and recommended to the Vice-Chancellor that they should be severely punished for their misdemeanour. It appears that in the first instance the Vice-Chancellor accepted

the recommendations made by the Chief Justice of the Court of Honour and ordered that the three students, Nursingh Bahadur, Ram Yash Singh and A. N. Roy, should not be permitted to appear at their respective examinations of 1968 and should not be re-admitted.

4.81 There is one feature of this case which we would like to mention. The first order passed on April 2, 1968, said that the three students be not permitted to appear at their respective examinations of 1968 and be not re-admitted. This order appears to have been reviewed on April 29, 1968 and a fresh order passed that the students concerned be permitted to appear at their respective examinations of 1968; they be not re-admitted in 1968-69; if they fail, they will re-appear in 1969 as private candidates. On July 25, 1968 a further order reviewing the second order was passed. Under this order it was provided that the action taken against these students was not justified. On this occasion Mr. Narsingh Bahadur submitted an application for re-admission and an undertaking for good behaviour, and the punishment against him was withdrawn. This is how in the result Mr. Narsingh Bahadur came to be re-admitted. When we asked the Vice-Chancellor as to why he reviewed the order in respect of Mr. Narsingh Bahadur, he told us that the father of the boy saw him and gave him an undertaking of his good conduct, and he added that he had then gone into the details of the judgements of the Judges. In our opinion, having regard to the gravity of the incident concerned, the Vice-Chancellor should have considered the matter fully before he passed the first order; and if he had passed the first order after due consideration, he should not have changed it later on, at least without consulting the Court of Honour. As the Vice-Chancellor himself told us, this case divided the students and it is not difficult to imagine that the change in the orders must have created a lot of dissatisfaction and doubt about the impartiality of the University administration in the minds of the students as well as the teachers. Though the Vice-Chancellor might have acted on human and humane considerations, the indulgence shown to students who were found guilty of molesting girls was

bound to create grave dissatisfaction in the University community as a whole and even in the community outside the University campus.

3.82. On July 9, 1968, the day of the opening of the University, some students of the Fine Arts section of the University assaulted Mr. Jayant Kumar Chakravarti, a lecturer in that department, near Bharat Kala Bhavan. They also asked him to resign and leave the institution. This incident was immediately reported to the Vice-Chancellor. On July 10, 1968, the Vice-Chancellor passed an order calling for an explanation from the students concerned to show cause why they should not be expelled. These explanations were received on July 24, 1968. Thereupon a committee was appointed by the Rector under his chairmanship to inquire into the alleged misconduct of the students. This committee was appointed just about the time when the Vice-Chancellor left Varanasi to attend the Commonwealth Vice-Chancellors' Conference in Australia. As a result of the inquiry held by the committee, it was decided that the four students in question should be asked to apologise in writing and to give an assurance that they will not repeat such misdemeanour in future. It was also decided that if the apology was received from the students, it should be accepted and the incident should be closed. Accordingly the students offered apology and the incident was closed. It is somewhat unfortunate that when it was reported to the Vice-Chancellor by the Head of the Fine Arts Department that a lecturer of his department had been assaulted by some students, the Vice-Chancellor did not think it fit to take prompt and effective action in the matter and even when disciplinary action was taken it was lenient, and contrary to the recommendation of the Teachers' Association.

3.83. It is necessary at this stage to refer to the complaint which Mr. Chakravarti made before us in respect of this incident. As a result of this assault, Mr. Chakravarti received some injuries and later he was hospitalised for ten days. During this stay in the hospital neither the Vice-Chancellor nor the Rector visited him though according to Mr. Chakravarti, after he went to the hospital, the news about his hospitalisation was given to the

Vice-Chancellor. Mr. Chakravarti's grievance was that though he was assaulted by the students, he had in fact been penalised by the University authorities by depriving him of ten days' salary when he was in the hospital and in consequence postponing the date of his increment by ten days. This, we venture to think, was bound to create dissatisfaction in the minds of teachers and thereby lead to unrest amongst a large number of peace-loving students who would naturally sympathise with the teacher who was the victim of the assault.

3.84. It appears that the same four students were involved in another incident which took place some time in November, 1968 and Professor Kulkarni, the head of the department, has made a complaint in respect of it. According to professor Kulkarni's complaint, these students defied the time-table prepared by the head of the department, made their own time-table and insisted that classes be held accordingly. They also refused to obey the orders of the head of the department and insisted that they should not be taught by some particular teachers. We gather that the discipline committee is now looking into this complaint. This committee was appointed by the standing committee of the Academic Council at its meeting held on October 26, 1968.

3.85. The next important event which created considerable discontent in the minds of a large number of students has relation to the election of the President and the other office-bearers of the Students' Union, which took place in 1968. The said election was originally proposed to be held on August 23, 1968, and nominations in that behalf were called for on or before August 13, 1968. It appears that Mr. Damodar Singh intended to stand for election for the post of the President. Mr. Damodar Singh had passed his M.Sc. examination in Agriculture in 1964 from Agra University. The Research Degree Committee of the faculty of technology of the Banaras Hindu University selected Mr. Damodar Singh for admission as a Ph.D. research scholar in Agriculture from January, 1965 term. In 1968 Mr.

Damodar Singh applied for admission to the first semester of the LL.B. degree course on June 29, 1968, and on July 21, 1968, Mr. Damodar Singh was issued Admission Card No. LB/1/19. Consequent on this admission, he paid his first instalment of fees on July 31, 1968.

3.86. Mr. Damodar Singh told us that he had himself given an application on August 1 or 2, that he should be declared eligible for contesting the election. According to him, the officers of the University were not able to take a decision on this point. It was due to their inability to decide this point, that the election was postponed. Mr. Damodar Singh had, in fact, not filed his nomination paper on or before August 13, 1968, which was the date fixed for receiving the nomination papers. At this time the Vice-Chancellor was away in Australia and the Rector was looking after the administration of the University. When we asked the Rector about Mr. Damodar Singh's eligibility, he told us that an objection having been raised against Mr. Damodar Singh's eligibility, he consulted Mr. B. Upadhyaya, a retired Judge of the Allahabad High Court. Mr. Upadhyaya considered all the points and ultimately gave his opinion on August 13, 1968 that under the rules, Mr. Damodar Singh was not eligible to stand for the Presidentship. A similar opinion had been given by the Legal Adviser of the University. In other words, the Rector was advised by a retired Judge of the Allahabad High Court that the objection raised against the eligibility of Mr. Damodar Singh was well-founded.

3.87 Mr. Damodar Singh's evidence shows that a day before the new date fixed for the filing of the nomination papers, i.e., August 24, 1968, a meeting of the students was called in the Multipurpose Hall. How and why this meeting came to be called, are matters of detail in which it is unnecessary for us to enter. According to Mr. Damodar Singh, this meeting was called by Mr. Majumdar, who was the ex-President of the

Students' Union, in order to ascertain the wishes of the students on the question as to whether he should be allowed to stand for the election. The Rector was invited to address the meeting. At the meeting, speeches were delivered and at the end Mr. Majumdar asked the students whether Mr. Damodar Singh should be allowed to stand for the election. The Rector's evidence shows that an overwhelmingly large number of students present at the meeting voted in favour of the candidature of Mr. Damodar Singh. The Rector then added: "Under the circumstances, I had no option but to use my discretion under the clause of the Students' Union Constitution in order to remove the genuine difficulty and agreed to the unanimous verdict of the students and allowed Shri Damodar Singh to stand for election." A copy of the order passed by Rector is at *Annexure XIV*. That is how Mr. Damodar Singh was allowed to stand for the election. In the election which followed on August 29, 1968, Mr. N. P. Singha was elected by a majority and Mr. Damodar Singh was defeated.

3.88 In their evidence Mr. Majumdar, Mr. Sinha and their friends have very strongly emphasised the fact that by allowing Mr. Damodar Singh to stand for the election, the administration was trying to build up Mr. Damodar Singh as a force rival to the body of students which they led. It is true that Mr. Damodar Singh told us that at a meeting called by Mr. Majumdar and Mr. Sinha at the cafeteria a few days before the general body meeting was called to ascertain whether the students wanted him to stand for the election or not, a discussion had taken place between Mr. Majumdar, Mr. Sinha and Mr. Damodar Singh and Mr. Damodar Singh had expressed his unwillingness to stand for the election, and Mr. Damodar Singh suggested in his evidence that he was really not keen on standing for the election at all. Nevertheless, it is a fact that he offered himself as a candidate and the group of students led by Mr. Majumdar and Mr. Sinha entertained and continue to entertain a serious grievance against the administration in that the administration allowed Mr. Damodar Singh to stand for the election, though, according to the legal

opinion received by the University, he was ineligible to offer himself as a candidate.

3.89 Two points fall to be considered in respect of this grievance made by Mr. Majumdar and Mr. Sinha. The first is whether it was legally permissible and possible to remove the ineligibility from which Mr. Damodar Singh suffered, by a vote of the students; and the second is whether it was competent for the Rector to act in the purported exercise of powers under clause XXI, which relates to removal of difficulties. Mr. Damodar Singh contended—and that is what the Rector also seemed to support in his evidence before us—that it was because Mr. Majumdar insisted that the matter should be put to the students that a meeting of the general body of the students was called in the Multipurpose Hall, and since the students, by a majority, decided that Mr. Damodar Singh should be allowed to stand for the election, he was allowed to do so. Even assuming that it was at the instance of Mr. Majumdar that the meeting was called, we do not see how the difficulty created by the relevant provisions, which presumably made Mr. Damodar Singh ineligible to stand for election, could be removed by a vote taken at a meeting of the students. Considerations of eligibility or otherwise are legal, technical considerations and they have to be decided by the administration in accordance with the relevant rules. Therefore we are inclined to hold that the Rector was not justified in attaching importance to the vote at the said meeting, particularly when he had himself consulted the Legal Adviser of the University as well as Mr. Upadhyya, a retired Judge of the Allahabad High Court on this legal point and the advice given to him positively was that Mr. Damodar Singh was not eligible.

3.90 Then, as regards the authority under which the Rector purported to remove the bar of ineligibility in the case of Mr. Damodar Singh, we are unable to see how clause XXI could be said to justify his order. This clause provides that “the Vice-Chancellor shall have power to remove by his order, any difficulty

that may arise in the working of this Constitution (the Constitution of the Union) and the Rules appended hereto." A provision of this kind is usually made in all statutes. But it is difficult to see how this provision could have justified or authorized the Rector in holding that Mr. Damodar Singh was eligible to stand for the election in the face of other clear and specific provisions in the light of which legal opinion had already been given to him. Besides, it is also doubtful whether in the absence of a suitable order of delegation, the Rector could have exercised the Vice-Chancellor's powers under clause XXI.

3.91 In this connection we ought to refer to another point which has relation to Mr. Damodar Singh's eligibility to stand for election. When the University representative presented the University's case before us, he attempted to argue that under the relevant rules, Mr. Damodar Singh was eligible to stand for election as he had been a member of the BHU Students' Association before it was converted into the Students' Union, and that he was also a member of the students' Union at the time of filing his nomination paper. Even on this argument there was a break in the membership of Mr. Damodar Singh and that may lead to the question as to whether Mr. Damodar Singh was entitled only to be a voter at the election or also could claim to be eligible to stand for election. We do not, however, propose to examine the merits of this contention, because this was not the basis on which the Rector acted. In fact, as we have already emphasised, the Rector consulted the Legal Adviser of the University and Mr. Upadhyaya, a retired Judge of the Allahabad High Court, and he was advised that under the relevant rules Mr. Damodar Singh was not eligible to stand for election. While dealing with this matter, we are really not concerned with the abstract, technical question about the eligibility of Mr. Damodar Singh; we are concerned more with the procedure adopted by the Rector in enabling Mr. Damodar Singh to stand for election and on that procedure we have already made our comments.

3.92 Whilst we are dealing with this question, we may refer to another fact which has some relevance to the grievance made by Mr. Majumdar and Mr. Sinha that the administration wanted to build up Mr. Damodar Singh and create him and his group as rivals to their group. Towards the end of the academic session of 1967-68, the Rector, under the suggestion of the Vice-Chancellor, issued a circular letter (*Annexure XV*), to all the Deans, Principals, Heads of the Departments and Administrative Wardens informing them that Mr. Damodar Singh has been directed to render them suitable assistance in their efforts to collect donations etc., for the Koyna Earthquake Relief Fund and also to collect books to be given to poor and deserving students. When Mr. Damodar Singh was questioned on this point, he first denied that any such circular had been issued either by the Vice-Chancellor or by the Rector. Then we showed him the circular and on reading it he admitted that such a circular had been issued. Thereafter Mr. Damodar Singh said that he was able to collect some money for Koyna Relief and about 500 books which he had deposited somewhere. We inquired from the Rector as to why such a circular was issued and whether after issuing the circular any inquiry was made by the Rector or any other official as to what Mr. Damodar Singh had done in pursuance of it. The Rector told us that he had appointed Mr. Damodar Singh to collect the books and funds because some responsible person had suggested Mr. Damodar Singh's name to him. When asked whether he made any inquiries as to what Mr. Damodar Singh had done in pursuance of the said circular, the Rector said: "He may have collected some books. I don't know what he has collected actually. I have not asked."

3.93 The comment made on this document by Mr. Majumdar and his friends who gave evidence before us is that this was obviously an attempt to make Mr. Damodar Singh important in the eyes of the student community. From the evidence which we have received during the course of our inquiry we are unable to see why such a circular was issued and, if it was issued in order to collect funds for Koyna Relief and books for the use of

poor and deserving students, why no follow-up action was taken to find out what Mr. Damodar Singh had done in the matter. Under the circumstances, the criticism made by Mr. Majumdar and his friends cannot be dismissed as being without any substance.

3.94 Unfortunately, while the University campus witnessed the turmoil resulting from claims and counter-claims made by different groups of students in regard to the election of the office-bearers of the Students' Union, the Vice-Chancellor was not present at Varanasi. He had gone to Australia on July 26, 1968 to attend the Commonwealth Vice-Chancellors' Conference. The election itself was held on August 29, 1968 and the Vice-Chancellor returned to the University campus in the evening of August 30, 1968. As and aftermath of the election and the heat generated by it, incidents took place on the University campus involving quarrels, scuffles and even beating as between the members of different groups. We do not think any useful purpose will be served by referring to these incidents in detail. It is enough to emphasise that the manner in which Mr. Damodar Singh was allowed to stand for election and the ultimate result of the election divided the student community into two different camps, quite hostile to each other, and thereby introduced an atmosphere not at all congenial to the normal work of the University.

3.95 The next significant event which contributed to the disturbances of the atmosphere in the University campus took place on September 24, 1968. It appears that one Satnu Ram, a block servant of Dhanvantari Hostel attached to the College of Medical Sciences, where the students of that college reside, was found missing since September 20. Thereupon, the University intimated this fact to the Officer-in-charge of the Bhelupur Police Station for inquiry as a First Information Report. In this report, the Warden of the Dhanvantari Hostel alleged that a rumour had been spread in the University campus that Satnu Ram had been murdered and that his body had been thrown away somewhere by the students. This rumour, said the report,

had created a great commotion amongst the Class IV employees of the University and a great deal of publicity was being given to it. That is why, the First Information Report requested the police authorities to take immediate necessary action to trace the missing person and put an end to the false rumour so that the prestige of the Institution could be safeguarded.

3.96 On hearing about the disappearance of Satnu Ram, the Class IV employees organised a procession, shouted slogans and began to adopt agitational methods. They met the Vice-Chancellor on September 24, and demanded that Satnu Ram be produced by the University authorities and that in case he had been murdered his dead body delivered to them for cremation. They insisted that this should be done by 4.00 P.M. next day. In the evening of that day the said employees organised a meeting and thereafter went to the Vice-Chancellor's Lodge where, according to the statement of the Vice-Chancellor, Mr. Majumdar and others discussed this matter with him and threatened serious action. The University authorities recognised the gravity of the situation and immediately set about the task of tracing the whereabouts of Satnu. Two students of the University along with the sub-inspector of police, Bhelupur Police Station, went in a jeep to Village Piari, to which village Satnu belonged. They reached the village on September 30 and got hold of Satnu while he was sleeping. Then Satnu Ram was brought back to Varanasi. When he was thus brought back, the rumour which had been started about his alleged murder was set at rest.

3.97 It is true that the statements made by Satnu Ram before the Chief Proctor and before the police in relation to the circumstances under which he went to his village are not quite consistent. It is also true that two divergent and completely inconsistent versions about the case of Satnu's disappearance have been placed before us; one by witnesses who support the University administration and the other by Mr. Majumdar and his friends. We do not propose to enter into a discussion of the merits of these rival versions. Satnu Ram was not murdered and Satnu Ram came back to the University as a result of the

efforts made by the search party sent by the University after the Class IV employees became restive in consequence of his disappearance. This incident has, however, one important significance for the purpose of our inquiry. This incident brought home to the Vice-Chancellor the fact that Mr. Majumdar who was the Ex-President of the Students' Union and the President of the Karamchari Sangh, had assumed a militant posture and had demanded the production of Satnu Ram or his body within the stipulated period, failing which he had threatened him with dire action, and the Vice-Chancellor must have recognised that Mr. Majumdar had become too conscious of his power as a leader of the students and of the Karamchari Sangh. This is one inference which arises from this incident.

3.98 The other inference which flows from this incident and which has relevance for our inquiry is that just as on the occasion of the inauguration of the Indian Science Congress a group of students, calling themselves 'the Resistance Group' had supported the University authorities in their efforts to see that the inaugural ceremony went off peacefully, so on this occasion members of this group assisted the University authorities in securing the presence of Satnu Ram and the Vice-Chancellor naturally must have felt that this group was helping the University administration to keep the University free from unnecessary agitations. In other words, the process by which the Vice-Chancellor began to be alienated from Mr. Majumdar, Mr. Sinha and their friends, which must have begun on the occasion of the holding of the Science Congress, gathered momentum on this occasion. It will be recalled that on the earlier occasion when the Science Congress was inaugurated by the Prime Minister, Mr. Sinha had publicly demanded the resignation of the Vice-Chancellor and it would not be surprising if the Vice-Chancellor began to feel alienated from Mr. Sinha and his friends. Alienation from one group, for reasons which one can easily understand, naturally and somewhat inevitably led to understanding with and sympathy for the other group which was attempting to help the Vice-Chancellor in maintaining a calm atmosphere in the University.

3.99 Another incident which accelerated the process of alienation of the Vice-Chancellor from the group of Mr. Majumdar and Mr. Sinha and his attachment to the group of Mr. Damodar Singh took place on September 24, 1968. On this day, a meeting of the students was called in the Multipurpose Hall to usher in the tenure of the newly elected President, Mr. Sinha. At this meeting, Mr. Sinha is alleged to have made a militant speech and presented certain demands. A scuffle between the two groups of students took place and when the Vice-Chancellor was displeased with what was happening in the meeting and wanted to leave the meeting particularly because he had to attend another meeting, his car was gheraoed by some of the students, presumably belonging to Mr. Sinha's group, and his gherao was lifted with the help of the members of the Resistance Group.

3.100 That takes us to the incident which occurred on September 25, 1968. This is what the Vice-Chancellor has stated in a statement headed: "A brief account of the happenings in the University since my return from Australia after attending the 10th Commonwealth Universities Congress."

"On September 25, a seminar, jointly arranged by Sri Ram Centre of Industrial Relations, New Delhi and the Commerce Faculty of Banaras Hindu University, was to be inaugurated at 11.30 A.M., by the Hon'ble Shri Jagjivan Ram, Minister of Food and Agriculture, Government of India. The seminar was to be attended by Shri Bharat Ram and many other leading industrialists, economists, sociologists, experts in business management and labour relations, from all parts of the country. I along with the Rector went to the airport in the morning to receive the Hon'ble Shri Jagjivan Ram. When we returned from the airport and reached the University gate, we found it closed and blocked by a party of students led by Shri N. P. Sinha and Shri Devbrat Majumdar. They asked me why I had called the police to the University. I said, "I do not know whether the police is inside the University." They said, "the police inside the University." I said, "it may have come for ensuring the security of the Minister of Food and Agriculture".

(Later on I learnt from the Senior Superintendent of Police that one sub-inspector and four constables had come to my residence in connection with the search for Shri Satru Ram. I never met any one of them). After this discussion my driver started the car to go into the University. The students led by Shri N. P. Sinha, Shri D. Majumdar and Shri Ravi Shankar Singh, however, attacked our car. They numbered about 25. There might have been some non-students among them. The Rector and I could identify only a few of them. Two peons of the Rector by chance had come to know that some students had collected near the University gate to create some mischief. They had gone to the University gate along with one jamadar from Vice-Chancellor's office. When the students attacked my car, the two peons of the Rector (Shri Ram Brij Pande and Shri Chhabi Nath) and one jamadar of Vice-Chancellor (Shri Sankatha Mishra) tried to protect me and the Rector. They were assaulted among others, by the above mentioned three students when they prevented the students from getting into the car, perhaps with the intention of pulling out the Vice-Chancellor. One blow from some student which was possibly aimed at the Vice-Chancellor, was stopped by the Rector by raising his arm. The blow fell on his hand and a finger of the Rector was injured. The flag and the flag-rod were removed from the car and one of the Rector's peon was beaten by this rod. Shri Ravi Shankar Singh jumped on the bonnet of the car to prevent it from moving.

After this incident at the University gate, my driver backed the car with great difficulty and we went to Bhelupura Police Station. From there I telephoned to the Deputy Superintendent of Police, Dr. Shukla, narrated briefly what had happened and instructed that Shri Jagjivan Ram should not come to the University until he hears again from us. I also told him that there might be delay in the inauguration of the seminar. I then returned to the University through the gate near Sundar Bagia."

Then the statement refers to the proceedings of the seminar and the attempts made by some students to interrupt the said proceedings, and adds that the inauguration by Mr. Jagjivan Ram.

was followed by a lunch in the College of Agriculture. After the Chief Guest departed, the Vice-Chancellor returned to his residence. The statement then adds :

“After considering all the incidents of the previous day and of September 25, I felt that immediate action was necessary to save the University from indiscipline and mob rule. I decided to expel those who had taken the most prominent part in these violent demonstrations. As I was about to dictate my order, the peons of the Rector came to me and showed how mercilessly they had been beaten by the students including Shri N. P. Sinha. So, I passed orders of expulsion against Shri D. Majumdar and Shri Ravi Shankar Singh immediately and called the Chief Proctor to take the full statement of the three peons and if possible, of other witnesses who may have seen the incident. The peons were sent to the hospital for medical examination and treatment. The Chief Proctor's report was received by me in the afternoon of September 26 and I passed orders expelling Shri N. P. Sinha from the University, suspending Shri Rehman and asking for further information about a few other students, whom the Chief Proctor was able to identify amongst the group of students that had assembled at the University gate to attack my car and who had participated in the beating of the three university employees.”

3.101 Mr. Majumdar and Mr. Sinha who gave evidence before us admitted that they surrounded the car of the Vice-Chancellor and protested against the induction of the police in the University campus. But they denied that they intended to or did attempt to assault either the Vice-Chancellor or the Rector. Indeed Mr. Majumdar was so emphatic in his denial, that he told us that if the Vice-Chancellor and the Rector took Gita in their hands and swore that he and Mr. Sinha had attacked the car, he would be prepared to quit the University. He also added that when he approached the Rector and told him that he had placed so much confidence in his integrity and character and they were surprised that he supported the plea that he (Majumdar) had attacked the car, the Rector replied that he was sorry and there should be no further talk about it.

3.102 In view of this emphatic denial, we asked the Rector to give us his version as to what happened on the occasion. The Rector told us that when the car carrying him and the Vice-Chancellor approached the gate, they found that a group of students had collected at the gate and that this group was led by Mr. Majumdar and Mr. Sinha. According to the Rector, this group stopped the car. The Rector has stated that whilst the Vice-Chancellor and the student leaders were talking to each other as to why the police had come on the University campus, "Majumdar and Sinha came near the car and used filthy language against the Vice-Chancellor. I wanted to get out of the car. Meanwhile some peons of my office came near the car and stood to guard the car and they said that I should not get out of the car. Some student tried to get into the car. These three students (namely D. Majumdar, N. P. Sinha and Ravi Shankar Singh) stood like a rock. Afterwards one got on the car and two remained outside. I saw one hand coming into the car, so I pulled that outside. In the meanwhile they had pulled the flag of the car. While the car was reversing, Ravi Shankar Singh sat on the bonnet. The two peons were beaten mercilessly. Majumdar and Sinha were talking and I did not see them beating the peons."

3.103 Two things significantly emerge from this evidence. The Rector does not refer to the fact that as he tried to protect the Vice-Chancellor and raised his hand, he received an injury and the second that he does not support the University's case that Majumdar and Sinha attacked or attempted to attack the University peons, much less the Vice-Chancellor.

3.104 That being so, the question which we have to consider is whether the complaint made by Mr. Majumdar, Mr. Ravi Shankar Singh and Mr. Sinha against the propriety and validity of the procedure adopted by the Vice-Chancellor in passing the orders of expulsion passed by the Vice-Chancellor against them is justified. We sought to make it clear at this stage that the demonstration which these three students organised by surrounding the car of the Vice-Chancellor must be condemned without

any hesitation. Such acts are completely out of tune with the approach which students must adopt in ventilating their genuine grievances by making suitable representations to the Vice-Chancellor. But, however condemnable the conduct of the group of students led by Mr. Majumdar, Mr. Sinha and Mr. Ravi Shankar Singh might be, the question which falls for our consideration is: Would it not have been better if the Vice-Chancellor had called upon the said students to explain their conduct and to show cause why they should not be expelled? In dealing with this question it is perhaps pertinent to remember that on the evidence given by the Rector, it is by no means clear that the Vice-Chancellor's view that all the said three students were responsible for the attack on the peons is justified. On the contrary, the Rector's evidence indicates that Mr. Sinha and Majumdar did not take part in beating the peons in his presence. In fact, the note given to us by the Rector with the title "Some Factual Observations" does not refer to any attack made or attempted to be made on the Vice-Chancellor or himself. This is what paragraph (2) of the statement says; "I have not been able to understand so far what actually the grievance of the students was that they made a violent attack on the car of the Vice-Chancellor on September 25, 1968 when he accompanied by me was returning to the University after receiving Shri Jagjivan Ram, Minister for Food and Agriculture. The Vice-Chancellor was not allowed to enter by the main gate. When his car was forced back two peons of the University who had tried to protect the car, were mercilessly beaten and belaboured by the students. This may be considered as an act of *agitation for agitations' sake*." Besides, from the orders of expulsion which were produced before us at the hearing, it appears that the said orders were based not only on what the Vice-Chancellor saw in regard to the alleged attack on his car, but also took into account their alleged past conduct.

3.105 We recognise that if any violent act takes place in the presence of the Vice-Chancellor, in whom alone all the disciplinary powers vest under the relevant provisions of the statutes, it may be open to the Vice-Chancellor to take prompt action on

the spot and one may not expect an inquiry in such a case. But the orders of expulsion passed against Mr. Majumdar and Mr. Ravi Shankar Singh which were produced before us by the University representative on June 27, 1969, indicate that the Vice-Chancellor took into account also the past conduct of the said two students. In view of this fact we think it would have been better if the Vice-Chancellor had given an opportunity to the said two students to explain their past conduct and to show cause why they should not be expelled.

The University representative urged before us that the relevant statute does not require any inquiry to be held when disciplinary proceedings are intended to be taken against students alleged to be guilty of misconduct; and in support of this contention he drew our attention to the fact, whereas statute 60 which deals with the disciplinary powers of the Vice-Chancellor makes no reference to any inquiry, statutes 31(d), 32(2) and 4(5)(a) which deal with the disciplinary action proposed to be taken against the teachers and non-academic staff contemplate an inquiry. We do not propose to enter into a discussion of the legal aspect of this matter; we are more concerned with the question of the propriety of the procedure followed by the Vice-Chancellor and we are inclined to think that it would have been better if the Vice-Chancellor had given an opportunity to the two students before he expelled them, particularly in view of the fact that in addition to the incident which took place in his presence, his final decision appears to have been, at least partially, influenced by the alleged past record of the said two students.

3.106 In respect of the order of expulsion passed against Mr. Sinha the next day, there are other considerations which have to be taken into account. We asked the Vice-Chancellor why the order of punishment was not passed on Mr. Sinha along with Mr. Majumdar and Mr. Ravi Shankar Singh. He told us that as soon as it was reported to him that Mr. Sinha had taken part in beating the peons mercilessly after his car left the scene, he wanted "to see whether stricter action could be taken against

him for assault." The Vice-Chancellor reminded us that on September 2, 1968, he had publicly stated in the meeting of the students and the teachers that he would not tolerate any acts of violence and indiscipline. This is what the Vice-Chancellor actually said: "Anyone found indulging in violence of any kind, whether in word or deed, would be expelled from the University". Whilst we entirely appreciate the spirit underlying the statement and we endorse the view expressed by the Vice-Chancellor that acts of indiscipline and violence must be firmly and squarely dealt with, we may be permitted to express a doubt as to whether violence of any kind, even in word, would necessarily and in every case deserve the extreme penalty of expulsion. That, however, is another matter.

3.107 Reverting to the case of Mr. Sinha, the point which still remains to be considered is that when the maximum punishment of expulsion was given to Majumdar and Ravi Shankar Singh and the same punishment was given to Mr. Sinha the next day, was it really necessary to make any further inquiry into the additional allegations made against Mr. Sinha. Besides, what is more pertinent to inquire is if such an inquiry was thought to be necessary, whether Mr. Sinha was given an opportunity to meet the additional charge against him. Clearly when the Vice-Chancellor asked the Chief Proctor to make an inquiry into the alleged misconduct of Mr. Sinha which was brought to his notice at the time when he was dictating the order of expulsion against Mr. Majumdar and Mr. Ravi Shankar Singh, it was a case where the misconduct had not taken place in the presence of the Vice-Chancellor himself; it was a case where the Vice-Chancellor was asking an officer of the University to hold an inquiry. In such a case considerations of natural justice required that Mr. Sinha should have been told what the additional charge against him was and should have been given an opportunity to defend himself.

3.108 In this connection it would be relevant to point out that in the Statement of Objects and Reasons attached to the Bill proposing comprehensive amendments to the Banaras Hindu University Act, it was stated, *inter alia*:

“The Vice-Chancellor will be empowered to expel any student from the University, if such a course according to his opinion is necessary, for the maintenance of discipline in the University, after observing the principles of natural justice.”

Consistently with the said statement, the original Bill had provided section 7E(4) that if the Vice-Chancellor is of the opinion that, for the maintenance of discipline in the University, any student of the University should be expelled therefrom, he may, by order in writing direct the expulsion of the student therefrom: Provided that the Vice-Chancellor shall not make any such order until after a notice in writing has been given to the student calling upon him to show cause within such time as may be specified in the notice why such order should not be made and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the Vice-Chancellor.

3.109 It appears that when the Joint Select Committee considered the provisions of the Bill, they took the view that the subject relating to the maintenance of discipline in the University should find a place in the statutes instead of in the body of the Act. As a result of this recommendation, the provision relating to the maintenance of discipline on the University campus has been provided for by statute 60. We will have occasion to deal with this statute later.

3.110 The order of expulsion passed against Mr. Sinha the next day has another intriguing aspect. Some witnesses suggested to us that it was not unlikely that the object of passing an order of expulsion against Mr. Sinha was to enable Mr. Damodar Singh to step into the position of the President of the Students' Union. Before we develop this point, we ought to add that after the election of the office-bearers of the Students' Union took place, in one of the meetings the Vice-Chancellor in his address to the students said that Mr. Sinha had secured about 2400 votes, Mr. Damodar Singh had also secured about 1900 votes and

Mr. Kapuria about 1100 votes. The announcement of these figures, we were told, was intended to show that Mr. Sinha did not represent the whole of the student community and that Mr. Damodar Singh came next to him in the matter of his representative capacity. Those witnesses who did not approve of the Vice-Chancellor's order expelling Mr. Sinha urged that in passing the order of expulsion the Vice-Chancellor presumably intended to invoke the provision of clause IV(8) of the Constitution of the BHU Students' Union. This clause provides that a casual vacancy in the office of the President and General Secretary shall be filled in by the person who obtained the next higher number of votes, provided he is not holding any other elective office of the Students' Union. The argument is that it was thought that if Mr. Sinha was expelled, his expulsion would cause a casual vacancy in the office of the President of the Students' Union and Mr. Damodar Singh, who had secured the next highest number of votes would be installed. A witness who gave this explanation definitely stated that in his opinion, Mr. Sinha was expelled knowing fully well that his expulsion would lead to the appointment of Mr. Damodar Singh as the President of the Students' Union. We ought to add that the witness who gave this evidence struck us as a very responsible, reliable and independent person. At this stage it may incidently be pointed out that while passing the order of expulsion against Mr. Sinha, the Vice-Chancellor had also passed another order on the same day. The order reads thus :

"A meeting of the Standing Committee be called on September 27, 1968 at 11 A.M. to consider the question of working of the Students' Union".

it appears that no such meeting was called on September 27 as directed by the Vice-Chancellor. The University representative, however, told us that the question whether the vacancy caused in the post of the President by the expulsion of Mr. Sinha was a casual vacancy was informally discussed by the members of the standing committee of the Academic Council at one of its meetings and the consensus then appeared to be that the vacancy

in question was not a casual vacancy, within the meaning of the relevant clause. It is not unlikely that this informal discussion took place at the meeting of the standing committee in pursuance of the order passed by the Vice-Chancellor on September 26, 1968, to which we have just referred. It is also likely that it was as a result of the consensus thus expressed at the standing committee meeting that the University did not proceed to take any action in filling the vacancy caused by Mr. Sinha's expulsion.

3.111 These different aspects associated with the three expulsion orders show that at the time when the orders were passed, the Vice-Chancellor was completely alienated from the group led by Mr. Majumdar and Mr. Sinha and had decided to lean on the resistance group, no doubt with the object of maintaining peace on the University campus. It would, we think, be no exaggeration to say that it is these orders of expulsion that set in motion a chain of events which ultimately led to several acts of violence on the University campus and the consequent closure of the University, and as such they can be treated as one of the major causes of unrest and agitation in the University.

3.112 Soon after these expulsion orders were passed, the University was closed for Dussehra holidays. After the University reopened on October 24, 1968, the students attempted to force a mike and loudspeaker through the main gate of the University and this resulted in an attack on the Proctor, Dr. V. Chandra, who was beaten. An attempt was also made to snatch the wrist watch of Dr. R. B. Singh, Proctor. Those who participated in this incident presumably were the friends and followers of Mr. Majumdar and Mr. Sinha.

3.113 An incident took place on October 25, 1968 to which it is necessary to refer. Two students of the University, Mr. Gopalji Tripathi and Mr. Bansidhar Singh went on hunger strike in front of the Chief Proctor's Office demanding that the expulsion order against Mr. Majumdar be withdrawn. As a counter-blast, another group of three students, Mr. Ram Bahadur

Rai, Mr. Mahesh Sharma and Mr. Vindeshwari Prasad staged a hunger strike insisting that expulsion orders be not withdrawn. Whereas the first hunger strike was in front of the Chief Proctor's office, the second one was outside the University campus near the statue of Malaviyaji. It appears that the University issued orders against those who took part in the first strike, warning them that if they did not stop their hunger strike, disciplinary action would be taken against them, but no action was threatened against those who started the counter hunger strike. The Vice-Chancellor's explanation for this apparently discriminatory treatment was that the counter hunger strike was undertaken not within the campus of the University, but outside, whereas the first one was in the campus of the University. The fact however remains that the students who went on hunger strike in support of Mr. Majumdar were threatened with disciplinary action, whereas students belonging to the resistance group who started a counter-hunger strike did not receive any such notice.

These events added to the bitterness prevailing in the University campus and led to some further incidents of an unhealthy and ugly character. For instance, on October 25, the Librarian of the University was insulted by three students, two of whom were given the following punishments :

Phool Chand was ordered to be expelled from the University and it was further ordered that he should not be re-admitted. He was also told that he should not enter the campus of the University or any of its constituent units, without due permission of the appropriate authority and that if he did so, he would be treated as a trespasser. On the other hand, in the case of Surendra Pratap Singh, having regard to all the facts, it was decided to suspend him for the academic year 1968-69 from participating in any activity of the University, academic or otherwise, and he was told that his readmission would depend on his behaviour during the remaining part of the academic year 1968-69, and a written apology coupled with an assurance of good behaviour.

3.114 About this time, Mr. Majumdar and Mr. Sinha and their friends gave a call of strike on October 28, 1968. They requested the students through loudspeakers fitted near the main gate of the University not to attend classes, shouted slogans against the Vice-Chancellor, blocked the road and created a scene at the Chief Proctor's Office. Mr. Yadunath Singh first lay down on the road in front of the Chief Proctor's office. Later he tried to take the loudspeaker into the campus by force and attempted to attack one of the Proctors with a sharp edged weapon and demonstrated before the Rector's residence; the Vice-Chancellor was away in Patna. All this, according to the statement of the University, was intended to coerce the Vice-Chancellor into withdrawing the expulsion orders passed against Mr. Majumdar, Mr. Sinha and Mr. Ravi Shankar Singh. During the clash which took place on this account, some students including Mr. Sinha received injuries.

3.115 The course of demonstration and violent agitation continued unabated. According to the statement filed by the University, on November 6, 1968, a loudspeaker was fixed in the Union Building from where announcements were made to the students to abstain from classes and to join the procession which was led by Mr. Sinha, Mr. Majumdar and others. This procession, the statement adds, stormed the Central Office at about 1.30 P.M. The processionists were armed with lathis, brick-bats, acid bulbs, iron bars, sodawater bottles etc. From the Central Office they went to the Vice-Chancellor's Lodge and gave an ultimatum that if the Vice-Chancellor did not withdraw the expulsion orders by 3.30 P.M. the same day, he would be killed. The agitators numbering a few hundred became violent, thereby forcing the Vice-Chancellor to request for police help. That is how the PAC entered the University campus at 3.00 P.M. Meanwhile, the mob started throwing stones at the Vice-Chancellor's residence. They broke open the main gate of his residence and entered the Lodge. Threatening speeches were also delivered. After the police entered the campus, they arrested some persons including students. After the arrival of the police on the University campus, the next few days were marked by scuffles between the students and the PAC jawans.

3.116 On November 7, 1968, a very unfortunate and disturbing incident took place. The account of this incident we are quoting from a communication received by us from Professor S. K. Saraswati, Head of the Department of History of Art, because we have no reason to disbelieve this account. Says Professor Saraswati: "On November 7, 1968, at about 3.30 P.M., some PAC jawans entered my office room in the College of Indology building and shouting that here was holligan, began assaulting me with lathis. Next, they dragged me out of the room and I then found that in the room adjoining, occupied by lecturers of my department, the jawans had been assaulting Dr. R. Das Gupta. He was also dragged out of the room and both of us were marched out of the College grounds and along the road when two persons (possibly some officers) intervened and we were let off. I was then heavily bleeding and my dress was soaked with blood. With Dr. Das Gupta, I came back to the office to collect my things (I was not allowed to take my things when I was dragged out) and proceeded to the hospital for first aid. There was a long cut on my head which required four stitches and heavy swellings and abrasions on my arm and shoulders. Dr. Das Gupta also had similar swellings on his body. At the hospital, Dr. N. K. Devaraja, Dean of the Faculty of Arts, met us and took us (me in my blood soaked garments) to the Vice-Chancellor. He was kind enough to express regret at what had happened".

After the Vice-Chancellor was informed about this incident, he asked the District Magistrate to make an inquiry into the matter. The City Magistrate who looked into the matter reported that on the basis of the statements of the two witnesses examined by him, he did not have enough material whereby he could come to a conclusion as to who the possible miscreants were. He further added that it must also be borne in mind that during the period in question the University was passing through a very turbulent time and there were as much as two companies of PAC at a time within the campus and without any definite signs of recognition, it was not possible to affix responsibility.

3.117 All that we can say is that this report shows a lack of proper sense of responsibility. If two senior teachers complained that they had been beaten by PAC men in their own rooms, it is surprising that the City Magistrate could not find out who the miscreants were. This is one aspect of the matter. The other aspect of the matter is equally disturbing. Professor Saraswati in his communications says: "For days together the administration had been praising the great patience, forbearance and restraint exercised by the jawans in a difficult situation in spite of the fact that a senior teacher of the University and his colleagues were assaulted in their rooms which the jawans had no reason to enter. There was not even a formal expression of regret on the part of the University. The resolution of regret, said to have been passed by the Banaras Hindu University Teachers' Association, was also more in appreciation of the patience and forbearance of the PAC jawans and I had no alternative but to tear it up". (Resolution at Annexure XVI)

3.118 No wonder Professor Saraswati ends his communication to the committee with the observation which is poignant in the extreme. Says he: "Such an attitude, I submit, does not conduce to the growth of a sense of belonging which, I hope, you will admit, is the basis of peace and calm in an institution".

3.119 If the University administration is either reluctant or unable to give redress to two senior teachers, who were beaten by the PAC, no wonder teachers feel frustrated and angry. Besides, members of the Teachers' Association who were appraised of the assault on two of their colleagues, passed a resolution more in the nature of appreciating the work done by the PAC than in the nature of condemning the attack on their colleagues. That again shows what groupism and sense of casteism can do even in a big university. Events of this kind and attitudes disclosed in respect of them inevitably create a sense of alienation in the minds of the teachers and this sense again inevitably would be transmitted to the students at large and that result is bound to create unrest and agitation in the University campus.

3.120 We would now revert to the incidents which took place on October 24, 25 and 28, 1968, to which we have already referred. These incidents were referred to the discipline committee to make an inquiry. The committee made its recommendations in regard to the punishment which should be imposed on the students who were found guilty of misconduct. These recommendations were placed before the Vice-Chancellor on November 27-28, 1968. The Vice-Chancellor accepted the recommendations made by the discipline committee and passed orders that the said recommendations should be given effect to. However, the actual orders giving effect to the recommendations of the discipline committee in accordance with the decision of the Vice-Chancellor were issued on December 3, 1968 and took effect thereafter. The delay committed by the office in giving effect to the Vice-Chancellor's specific orders was unfortunate because on the day when the orders were issued and enforced, the Vice-Chancellor was not present at Varanasi.

3.121 As a result of the disciplinary action taken against the different students on December 3, a wave of violent agitation overtook the University campus again and meetings were held on December 4 and 5, in which violent speeches were delivered and the disciplinary orders passed by the Vice-Chancellor were strongly condemned. According to the statement filed by the University, on December 4, an attempt was made to set on fire the Agricultural Farm at about 7.00 P.M. and on December 5, the students forcibly wanted to take the mike and the loudspeaker from the Chief Proctor's Office which had earlier been confiscated from the students from Room No. 293 of the Birla Hostel. This loudspeaker and the mike were returned to the students under the advice of the district authorities with instructions that these should be taken out of the campus. At about 5.00 P.M., the students made a forced entry into the campus and held a meeting at the Women's College crossing with the said loudspeaker and the mike. Some of the students misbehaved with the Proctorial staff in the Chief Proctor's office.

3.122 It is unfortunate that while these incidents were happening and might well have been anticipated, the Vice-Chancellor had already left for Delhi and the Rector followed on the morning of December 5.

3.123 Now we come to three days which are of crucial significance to our inquiry. On December 6, 1968, the students clashed with the police and stoned the Central Office of the University. The students had given a call for general strike at that time. Earlier, a mob of about 100 persons had set on fire the postal van, a Teachers' Training College bus and a jeep of the Indology College in the campus. They also set fire to a counter of the Central Library of the University. It appears that they were determined to set on fire the University Post Office and the gas plant near the Department of Botany, but the arrival of the police foiled their attempt. The students also burnt furniture and sports material which had been kept in a pavilion on the grounds of the College of Mining and Metallurgy.

3.124 On December 7, further acts of violence were witnessed on the University campus. On this day, the students indulged in the looting of a shop named Akashdeep and the Students' Cooperative Store, during which radio-sets, typewriters, wall-clocks were taken away. They also burnt the offices of the Dean of Students and Delegacy.

3.125 On December 7, Mr. D. Majumdar appears to have been mercilessly beaten and as a result, the police had to remove him in a semi-conscious state from the Birla Hostel to the jail dispensary.

3.126 At this stage, we will only like to refer to the fact that between December 2 and 6, there were two companies of PAC on the University campus, whereas between December 7 and 15, there were five companies and two platoons of PAC.

3.127 That takes us to December 8 which for the purpose of this inquiry is the last and the most tragic day of incidents. On this day, the PAC entered the Gurtu. Radhakrishnan and the

Ramakrishna Hostels. For our inquiry, what happened in the Ramakrishna Hostel is important and we will, therefore, confine our analysis to the incidents that took place in that hostel. We will narrate these events substantially in terms of the evidence given before us by the Administrative Warden of the Hostel and the material supplied to us by the University in its statement.

3.128 On this day, 147 students were in residence in the Rama-Krishna Hostel. At about 10.30 A.M., one Mr. Agrawal rushed to the Warden's house without any footwear and entered the house from the backdoor which was open. He looked very agitated. When the Warden asked him what the matter was, he only said "PAC, PAC". As the Warden peeped out, he found the whole hostel surrounded by the PAC. The hostel was so completely surrounded by PAC that he had to go to the back door to get an entry into the hostel. As he was about to enter the hostel through the back door, the PAC pushed him aside. The Warden then inquired of them what it was all about. The PAC jawans told him, "You better get aside. If you seek to get inside, you will be beaten. There will be no escape." The Warden made two or three attempts to enter the hostel, but did not succeed. The Warden said that the boys were being beaten on the first floor and were being chased when they started running. From the back side, he could see that on the terrace also the boys were being beaten. He also saw that through fear some of the boys started coming down from the terrace taking hold of the pipes. Some of the PAC then attempted to attack the Chowkidar's house where only women were inside. At that stage, the Warden rushed and stopped them from proceeding towards the Chowkidar's house.

The Warden was quite certain that the number of PAC who entered the Ramakrishna Hostel was not less than 100 and he said that the number might range between 150 to 200. Of course, he added that he could not be very definite about the number.

3.129 Most of the residents of this hostel belonged to the faculty to which Mr. Majumdar belonged. After the incident was over, the

Warden moved to the front side of the hostel and found that the PAC had made a regular cordon round the entrance of the hostel up to the door of the lorry. The boys were then made to come in a line to get into the lorry. As they were coming, they were beaten by the PAC with their hands and feet. The Warden came to know later that as a result of the beating, some students had sustained fracture injuries. After the boys were thus arrested, someone told the Warden, "Your hostel is vacant, lock it up". Then the Warden went from room to room of the hostel and found that the glass panes of most of the doors were broken and these were lying in the corridor and inside the rooms. After some time, the Warden received a report that there were blood stains in one of the rooms and so he went to the room and found the blood-stains there. There were blood-stains near the gate also. Then he locked the rooms and put the keys in his pocket.

All that needs to be added here is that the boys who were beaten and arrested were taken to the jail lock-up and later released on the University executing security bonds.

3.130 Before we proceed to comment on the incidents that took place on December 6, 7 and 8, 1968, we would like to dispose of a minor point connected with a student named Lalta Singh. It is alleged that Lalta Singh was thrown from one of the upper floors of the hostel by his opponents and in consequence he received injuries. On the other hand, according to the evidence tendered by the Warden, it would appear to be not unlikely that Lalta Singh was one of the boys who jumped from one of the upper floors because of fear. We tried to invite Lalta Singh to appear before us, but in spite of the best efforts made by us, Lalta Singh did not appear before us. In fact, Lalta Singh appears to have made statements on different occasions which are not easily reconcilable. The Vice-Chancellor told us that Lalta Singh's father had seen him and told him that the students had beaten him and they would beat him further. His first statement was that he was pushed down. His father told him (the Vice-Chancellor) that he (Lalta Singh) was pushed down,

but he requested the Vice-Chancellor not to proceed against the students because Lalta Singh's life would be in danger. Whether the statement made by Lalta Singh's father is true or not, it is unnecessary for us to consider because in the absence of Lalta Singh's evidence before us, we propose to express no opinion on the question as to whether he was pushed down by the students or he jumped down through fear. We understand that Lalta Singh also did not appear before the discipline committee which had summoned him to appear before it.

3.131 In retrospect, looking at the incidents that took place on December 6, 7 and 8, 1968, several comments need to be made. The first comment is in relation to the complete inaction on the part of the PAC force on the University campus to prevent or stop the several acts of hooliganism which took place on the campus on the 6th and 7th. We have carefully considered the explanation given by the District Magistrate and the Senior Superintendent of Police in that behalf, and we must regretfully observe that we are not impressed by it. The District Magistrate had suggested that when students came in mobs and the police used to receive brick-bats from them, it was a difficult job for the police to disperse the crowds and that job they were doing all the time. According to the District Magistrate, when the crowd of students was thus dispersed and was running helter and skelter, it could easily commit acts of violence such as burning of a bus and the police could not stop it. In our opinion his explanation is unsatisfactory. In this connection, it is necessary to remember that the PAC had been inducted on the University campus, because there was fear of eruption of violence. We are at a loss to see how, with such a large number of police force present on the University campus on December 6 and 7, the police could not prevent the occurrence of such untoward incidents. It is therefore difficult to escape the conclusion that the police did not act as effectively or efficiently as they were bound to on December 6 and 7. To say, as some of the senior officers said, that the police force was

mainly concerned and occupied with the difficult task of guarding the strategic buildings and points on the University campus, is to take an inadequate and unreasonably narrow view of their function on the campus in those days.

3.132 It is likely that two types of thinking operated in the minds of the two groups of students in the University campus. One group of students, it may be, was keen on bringing about the closure of the University and with that aim, they were indulging in acts of violence in order to provoke the police to take strict action, which might have led to the closure of the University. The other group of students, on the other hand, wanted the University to continue and intended to offer resistance to the commission of acts of violence. Even if it is assumed that the magistracy and the police authorities were keen in supporting the Vice-Chancellor's desire to keep the University functioning with their help, it is difficult to understand why they could not take suitable action to stop the commission of violent acts in broad daylight on the campus, which was occupied by them and was under their control. After the police was inducted on the campus and particularly on the three days with which we are dealing, when Section 144 was in force we are at a loss to see how group of students, large in number, were allowed together on the University campus. For reasons which we are unable to understand, the police did not act effectively both on 6th and 7th.

3.133 The Vice-Chancellor himself shared the view which we have just expressed. He told us that on his return to Varanasi on December 6, he was surprised to see that groups of 15 or 20 boys could have been able to set fire at so many places, when the police force in such a large number was present on the University campus. Then he spoke to the Governor at about 8.00 P.M. and told him that he was surprised that acts of arson continued to occur although there were so many police in the University. The Governor then told the Vice-Chancellor that he would speak to the Chief Secretary who spoke to the

Vice-Chancellor from Lucknow at about 10.00 P.M. the same day.

It appears that on December 6, 1968, the Vice-Chancellor took another step by writing to the District Magistrate of Varanasi a confidential letter, a copy of which has been supplied to us. In this letter, the Vice-Chancellor named five students amongst whom were Mr. Majumdar, Mr. Ravi Shankar Singh and Mr. Sinha, and added that the maximum punishment which the University could give to these students was expulsion; but that was not found to be effective, "because the expelled students continue to enter the University and carry on their agitational activities. Thus a number of decisions taken by the University are being reduced to nullity. It is, therefore, essential to enable the University to function smoothly that these persons must be imprisoned under the Preventive Detention Act for some months and this should be done without delay. Otherwise, some kind of agitation will continue to be started in the University after every few days and the peaceful atmosphere disturbed". It is significant that while suggesting the adoption of such a drastic remedy as the detention of the students under the Preventive Detention Act, the Vice-Chancellor did not consider it necessary to complain to the District Magistrate that on December 6, 1968, when acts of incendiarism were committed in the University, the police did not take effective action to prevent them.

3.134 Reverting to the conduct of the police on December 6 and 7, we are driven to the conclusion that the police who had been inducted on the University campus to maintain law and order and prevent acts of violence failed in discharging their functions effectively on these days. It is hardly necessary to add that when the police authorities and the magistracy knew that the Vice-Chancellor had asked them to take charge of the law and order situation in the University campus, it was their duty to use all sources of information available to them, to anticipate trouble and prevent it. Far from doing so, many acts of violence were committed in broad daylight and none

of them appears to have been effectively stopped. That, we think, is a very sad commentary on the efficiency of the functioning of the police on December 6 and 7 on the University campus. What happened on December 8, by contrast, is equally shocking.

3.135 Before we proceed any further with our comments on the incidents that happened on the 8th, we may observe that the Senior Superintendent of Police told us that on the evening of 7th, the Vice-Chancellor had told them that unless they took strong action against the students, the situation would become uncontrollable and he also told them that if they thought it necessary to enter the hostels, they had his permission.

3.136 On December 8, a large number of PAC entered the Ramakrishna hostel and beat the boys mercilessly, arrested them and took them to the jail lock-up. The only justification which the police witnesses gave in support of what they did in the Ramakrishna Hostel is that, they were told that the building material which was lying at the site of the new hostel under construction was set on fire. If this was the only incident which compelled the police force to enter the Ramakrishna Hostel, all that they were expected to do was to extinguish the fire and nothing more. On the other hand, it appears that before the police arrived on the scene, fire had already been extinguished.

3.137 The other justification which the police witnesses gave before us in support of their entry into the Ramakrishna hostel compound was that when they went near the place where the building material was set on fire, brick-bats were thrown at them with such ferocity that they had to enter the hostel to prevent the assault on them. We examined the police witnesses at length on this point. They suggested that what they did in the Ramakrishna Hostel was merely to defend themselves against the brick-battling attack which the students of the said hostel were making against them. Indeed, one of the police

officers attempted to suggest that some PAC men had been injured during the course of this scuffle and he produced a document in support of his plea. We have no hesitation in disbelieving this version; we will immediately explain why.

3.138 It appears that during these days of trouble, the District Magistrate and the Senior Superintendent of Police were sending confidential reports regularly to the relevant authorities in the U.P. Government. The report which they sent in respect of the incidents on December 8, 1968 speaks for itself. This is what the report says: "BHU campus remained quiet yesterday night and today. There were no cases of arson, brick-batting, etc. Police patrols continued today inside the campus. 61 arrests have been made today....."

3.139 Contrast this report with the reports made for the events of the earlier days. On 7th, the report said: "... Attempts were made by students to set a few buildings in the University to fire, namely, offices of the Dean of Students and Delegacy. The fire brigade and the police were rushed and they extinguished it. Some damage was caused to the furniture, wall plasters etc. only. Mobs of students numbering about 200 collected at 2 or 3 places and made some brick-batting. They were chased away....."

3.140 As for the 6th, the report says: "After the disturbances of November 6 and 7, Banaras Hindu University had been functioning normally. The PAC was posted at various points in the University campus which were considered vital for life, e.g., the power house, water works, air strips etc. Though the situation was tense and a section of the students had been agitating, the classes and the normal work had continued". The report then says: "On December 5, the situation became more tense and on receipt of information the District Magistrate, the SSP and others reached the campus. Unfortunately the Vice-Chancellor, the Rector, the Chief Proctor and about seven Deans

out of eleven were away from the town. The Registrar was only University officer available for consultation. In the absence of the Vice-Chancellor and the Rector, he was not effective to assist us adequately. A procession of about 1,000 students was taken on the main roads of the University on December 5. They came to the Vice-Chancellor's and the Rector's houses, but as they were away, they proceeded further. Near the University main gate they surrounded the Chief Proctor's Office and wanted to use force in snatching away the microphone which had been taken away from them the previous night by the Proctor's staff. As none of the University officers was available, the police and the magistracy persuaded them to disperse peacefully".

"On the 6th morning, the Vice-Chancellor returned back from tour. Since morning the students formed themselves into many groups in various colleges, hostels, etc. The Proctor's staff snatched away, the microphone from the demonstrators. A mob of about 1,000 agitated students well armed with iron bars, implements for breaking open the buildings, inflammable materials etc. surrounded the General Office and made heavy brick-batting. They could not however succeed in setting the Central Office on fire or damaging its property by the timely arrival of the police and the magistrates. The crowd was chased away. While retreating the crowd set fire to a postal delivery van which caused its total loss. They set fire to a road-roller and the drums of tarcoal also. Another mob of students entered the main University Library known as Gaikewar Library and caused damage to the registers etc. They asked to the staff to get out of the building so that they may set fire to it. While they were in the act of setting fire to the building the police reached there and foiled their attempts. Another section of the mob stormed the gas plants building near the Science College and wanted to set it to fire. The crowd was chased away and their attempts foiled. Another mob set a jeep of the University in the College of Indology to fire. On

receipt of information the fire brigade and the police party reached there and extinguished it. The simultaneous attempts of the crowd to storm and set the post office, the dispensary and other important buildings on fire were also foiled by timely intervention. There has been heavy brick-battling on all points in the University campus and several police and PAC personnel have received injuries.

3.141 It would thus be seen that in sending reports to the higher authorities, the District Magistrate and the Senior Superintendent of Police were careful enough to mention major, material and important events that took place during the day. If brick-battling of the type described by the police witnesses in the evidence before us had actually taken place on December 8 and if the said brick-battling had led to the arrest of 61 students from the Ramakrishna Hostel, it is impossible to believe that the reports jointly sent by the District Magistrate and the Senior Superintendent of Police on the same day would have categorically stated that there were no cases of arson, brick-battling, etc. If the report had not contained a positive statement that there was no brick-battling, we could perhaps have understood the argument that it was merely an omission to state the fact of brick-battling which had taken place, but in view of the clear and categorical statement that no brick-battling had taken place on December 8, it is impossible to accept the version given by the police witnesses that they had gone into the Ramakrishna Hostel in self-defence.

3.142 There is another reason why we are not prepared to believe the police version. The police witnesses were reluctant to admit that they entered the rooms in the Ramakrishna Hostel. In our opinion, having regard to the evidence given by other witnesses before us, it is clear that the police entered the Ramakrishna Hostel compound in a large number, entered the rooms in the hostel and gave merciless beating to the inmates of the hostel.

3.143 There is another feature of this tragic and disturbing event which has made us very sad. In the FIR filed by the Acting Chief Proctor in regard to this incident, it is alleged that the students' violent agitation is continued since last two days. Today also the agitators attempted to commit murder of the peaceful bonafide students by stabbing and throwing them from the upper storey.

At about 1 P.M., the members of the University staff, Shri Randhir Singh, Proctor, Shri Lalmani Mishra, Asstt. Proctor, Dr. R. B. Singh, Proctor, Shri Ganesh Singh, Asstt. Proctor, Dr. V. Chandra, Asstt. Proctor and the district authorities, A.D.M.(E) Shri Jain, City Magistrate, Shri V. Anand, Addl. S.P., Shri R. C. Dikshit, Dy. S.P. (City), Dr. G. K. Shukla, Dy. S.P. Agnihotri were discussing the affairs of the University and problem of law and order situation. Meanwhile we received an information that a mob of 400 to 500 students was raising slogans near Ramakrishna Hostel and is setting fire in the wooden materials stored for building constructions. All the officers along with above university authorities and police and PAC troops rushed to the spot. We found that Ram Bachan Pandey, Yadu Nath Singh, Deepak Mallick and Ravi Shankar Singh were inciting the mob in front of Ramakrishna Hostel and were setting fire in the building material along with others. Seeing the police party the students hurled brick-bats upon police force and caused injuries to several police officers.

On being chased, they entered the hostel premises and some of them even went on the roof. All of them continued pelting brick-bats and stones on the police personnel, district officers and the University authorities and injured some of them. Despite repeated warnings they did not stop but became more violent. Finding no way out, the police entered the Hostel premises and effected the arrest of Shri Rajendra Sharma and 60 others. Some of the arrested persons received minor injuries during arrest.

The report is being sent for necessary action."

3.144 This document makes very painful reading. It seems that by filing this FIR, the Acting Chief Proctor was deliberately seeking to justify the police action in the Ramakrishna Hostel in so far as he is referring to stone throwing and to the aggressive attitude of a large crowd of students. We have just indicated that the report sent by the District Magistrate and the Senior Superintendent of Police in regard to the events that took place on December 8, 1968 on the University campus is completely inconsistent with this version.

3.145 Besides, even in regard to the time when the police entered the Ramakrishna Hostel, there appears to be serious discrepancy. The FIR puts the incident after 1.00 P.M. whereas the committee which the University itself appointed to look into this matter says that the incident took place at about 10.00 A.M. From the findings of the inquiry committee, building material lying at the site of the new hostel under construction was set on fire at about 8.30 A.M. and the report says that the PAC entered the Ramakrishna Hostel at 10.00 A.M.

3.146 There is one more feature about this incident which we cannot help mentioning. The Proctors accompanied the PAC when they entered the Hostel and it is a matter of grave concern to us that the Proctors remained passive witnesses of the ruthless assault made by the police on the students residing in the Ramakrishna Hostel. Besides, it is significant that before the PAC entered the Ramakrishna Hostel, no intimation was sent to the Warden-in-charge of the hostel. No wonder that as a result of this incident, panic prevailed in the whole of the campus and the University had to be closed.

3.147 Before we part with this incident we think we ought to make another comment in respect of the attitude adopted by the Administration. After it was brought to the notice of the Vice-Chancellor and the Rector that a large number of students staying in the Ramakrishna Hostel had been mercilessly beaten and then arrested and taken to jail lock-up, one would have expected

the Vice-Chancellor or at least the Rector to move in the matter and meet the students in the jail, offer them consolation, and promise that quick action would be taken to get them released from the jail. Evidence shows that the Vice-Chancellor merely asked the Proctor and some teachers to do the needful in that behalf. If the Vice-Chancellor had himself taken the initiative in the matter and seen the students there is no doubt the students would have appreciated his gesture. The failure of the Vice-Chancellor to meet the students who had been victims of the police atrocities assumes a somewhat different significance when it is remembered that in the Ramakrishna Hostel resided students belonging to the faculty to which Mr. Majumdar belonged and this aspect was very strongly placed before us by many witnesses. The conduct of the police on December 8, 1968 in entering the Ramakrishna Hostel, beating the residents of the Hostel mercilessly and then arresting them deserves to be strongly condemned. During our inquiry, many disturbing incidents have come to our notice; but what happened at the Ramakrishna Hostel on December 8 has shocked us the most.

3.148 There is only one incident to which we would like to refer again and that relates to the beating given to Mr. Majumdar. From the evidence given before us by Mr. Damodar Singh and some of the Proctors, it appears that the police officers used to hold consultations in the drawing room of the Vice-Chancellor's lodge and they told the students and the Proctors that if they could help them in arresting Mr. Majumdar, a reward of Rs. 100 to each one of them who assisted in the process would be given. The police authorities denied this allegation. In his evidence before us, the Vice-Chancellor, however, supported the version that the police had offered a reward of Rs. 100 for the purpose and he told us that they had mentioned it to him. This, said the Vice-Chancellor, "was my first experience with the police". On this point we have no hesitation in believing the evidence of the Vice-Chancellor, the Proctors and Mr. Damodar Singh.

3.149 It is difficult to appreciate why the police officers thought it necessary to offer a reward to the Proctors or to the students

for assisting them to arrest Mr. Majumdar. When they were on the campus to maintain law and order and Section 144 had been applied to the campus, there was no reason why the police authorities should have been unable or reluctant to arrest any person who they thought had committed a cognizable offence. It is in the light of this background that the assault on Mr. Majumdar has to be considered.

3.150 Mr. Randhir Singh described before us how Majumdar came to be arrested. On December 7, he along with Dr. R. B. Singh and Dr. V. Chandra went to the Birla Hostel. They went to a room and then called the Administrative Warden, Dr. Misra. The room was locked from outside and bolted from inside. They forcibly opened the door and arrested Majumdar. Mr. Randhir Singh added that "Majumdar looked tired and exhausted when we apprehended him."

3.151 Contrast this evidence with the evidence given by the Senior Superintendent of police, Mr. Radhe Shyam Sharma. Says Mr. Sharma: "On the 7th of December, in so far as I recollect, Mazumdar was brought to the Vice-Chancellor's lodge. I remember that Randhir Singh and Lal Mani Misra were among those who brought him. He appeared to have been seriously injured. He seemed to have been badly beaten. I asked Majumdar how he came to be injured. He could not reply and wanted tea or water. I immediately sent him with my inspector and asked him to take him to the dispensary. I sent him to the dispensary and not the University hospital because I was afraid that his assailants would make an attempt to assault him and it would lead to turmoil."

3.152 This shows that it is the Proctors who took Majumdar who had been grievously injured from the hostel where he was hiding and that raised the question as to how, when and by whom Mr. Majumdar was beaten. The story given by Mr. Randhir Singh that he found Mr. Majumdar in a room which was locked from outside and bolted from inside and that when

the door was opened, he was found pale and semi-conscious does not by any means answer this question.

(vi) **Other causes leading to dissatisfaction—administrative and academic**

3.153 Having dealt with the major incidents and events of a serious character which led to and, in turn, augmented the recent unrest and agitation on the University campus, we now turn to other causes which are concerned with academic and administrative aspects of the University. We will begin with the problems posed by the changes which the University has been frequently making in the rules with regard to the conduct of examinations.

3.154 On the basis of the information supplied to us by the University, the first instance where a radical change was made in the conduct of examinations occurred at the end of the session of 1960-61. It is true that in our inquiry we have confined our attention to events that happened between 1965 to 1969; but in order to make our narrative on this point complete, we think it necessary to refer to this change, though it took place in 1960-61. In that year, the University changed the relevant rules on the recommendation of the standing committee of the Academic Council and decided to accept the representation received from the students. This representation alleged that in declaring the results, the relevant ordinance had been wrongly interpreted and the University apparently upheld the students' contention and acceded to their request. This representation was accepted and the request granted, though the results had already been declared.

3.155 In 1962-63 the University was virtually compelled to accept a serious change, and that too with retrospective effect, after the results of the examinations held at the end of the session of 1962-63 had been announced. It appears that the Planning Commission had advised the University after the Chinese aggression in 1962 to consider the possibility of introducing supplementary examinations in technical courses in the faculty of technology. However, the Academic Council, on the recommendation

of a Committee of University Professors had decided not to introduce supplementary examinations, because, according to it, a revision in the rules for the award of grace marks would have achieved the same objective. As a result of the representation made by students who had failed, the principle of supplementary examinations was, however, accepted by the University, and this led to a change in the results after these had been actually announced. It is hardly necessary to point out that if the University, acting under pressure or coercion of the students, changes its rules and alters the results already announced, it is likely to have an adverse effect on the morale of the students and the spirit of discipline which must prevail in the University.

3.156 A similar decision was again taken after the announcement of the results of 1965 examinations. On this occasion, the University modified its stand on the issue of supplementary examinations and although, according to the University, there was a great deal of discussion and divergence of views expressed both in the standing committee of the Academic Council as well as in the Academic Council, the Academic Council finally adopted a resolution which led to the revision of the results and announced a list of students, who, according to the new rules, were eligible to appear at the supplementary examinations. The effect of this decision, however, was that the University was not going to hold any supplementary examinations with effect from the 1966 examinations.

3.157 It is this aspect of the decision which gave rise to considerable agitation, including brick-battling and violence and the police had to intervene. The main demand of the students on this occasion was that the supplementary examinations be again arranged for them in the faculty of technology, as had been done in the earlier years. The final decision was taken only in October, 1966 when the University was forced to accept the demand of the students by the following Resolution:

"In view of the fact that the Ordinances governing supplementary examination of 1966 were passed by the Executive

Council *vide* Resolution No. 363 dated 28-11-1965, and could not, therefore, be notified to students before July 1965, the standing committee of Academic Council recommends to the Academic Council that supplementary examination in the faculty of technology for the year 1968 be held in accordance with the ordinances in vogue for 1964 and 1965 examinations on compassionate grounds and be held as early as possible."

These rules had to be modified again in December, 1966 when the University for the first time introduced the concept of promotion to the next higher class in anticipation of clearing the deficiencies at the lower examination. This time even the Executive Council which still continued to be a nominated Executive Council expressed its disapproval of the procedure adopted in the following words:

"The Executive Council felt that publicity was given to the Resolution of the Academic Council regarding Supplementary Examination and action was taken to implement it before approval of the Executive Council was obtained at an emergent meeting of the Council; but considering the fact that steps had already been taken to do so, it did not want to disapprove of the Resolution, and therefore agree to approve the Ordinance..."

3.158 The Executive Council finally decided on July 15, 1967, to recommend that the standing committee of the Academic Council and the Academic Council should consider the advisability of having two examinations in a year for each faculty and the recommendations of the Executive Council were ultimately accepted by the standing committee and the Academic Council and this, according to the University's statement, resulted for the first time in the revision of the examination results and for the second time in the promotion of the students to the next higher class or semester."

3.159 In July 1968, students demanded, among other things, (i) opportunity to clear the deficiencies of sessionals, (ii) declaration of results on the basis of the first and second semester examinations taken together, (iii) promotion of students who had failed at the back-paper examination held in June, 1968 to the next higher class, (iv) an additional examination for all students who had failed in back-paper in June, 1968 and (v) reduction of minimum percentage for passing in theory papers in the Mining and Metallurgy courses from 40 per cent to 30 per cent. This matter was brought before the standing committee on more than one occasion and ultimately the standing committee recommended the amendment of the Ordinance so as to meet the demands made by the students. This resulted in the sixth and final revision of the results.

3.160 In addition to these incidents, from the records supplied to us by the University, we have come across repeated cases where specific representations of individual students have been met by the standing committee throughout the period 1966 to 1969, by re-interpreting/changing/modifying the rules pertaining to evaluation and examinations. In some cases it appears that the same rule has been reconsidered and modified more than once at meetings of the standing committee called in quick succession. Another regrettable feature disclosed by the records supplied by the University is the change in sessional marks awarded to the students even after the results prepared in pursuance of the original sessional marks had been declared. This was done in spite of decisions of the standing committee from 1966 onwards that the sessional marks should be made known to the students during the terms and no change should be made in them under any circumstances. In respect of this point we have received information, in response to a requisition sent by us, which has some relevance. This statement shows that the corrections made in the sessional marks were "due to mistakes in the totalling of marks or due to error committed by the dealing assistant". The statement also shows that in majority

of cases, the results of the candidates were not affected except in the case of two candidates mentioned in the statement.

3.161 We have referred to this aspect of the academic administration of the University, because we feel that changes made in the rules governing the conduct of examinations, including the assessment of marks and prescribing the percentages for passing, are bound to affect the image of the University in the minds of the University community. On this topic, we cannot help quoting a portion of the note entitled "Students' Unrest in Banaras Hindu University" given to us by the Rector :

"An expert who undertakes a historical review of the University rules, ordinances and examination systems would find inconsistencies and haphazardness and confusion in them. The suspicion in the minds of the inquisitive students deepens further as regulations change frequently. I have heard the general complaint of the students that such and such rule was changed to pass the son or daughter of Mr. so and so or that admission rules were modified to secure admission for the relative of such and such persons or that a certain rule was framed by such and such person to deprive a certain person of something. The question is not whether these complaints are true or false. The main thing is that a very adverse effect of experimentation with different systems has been that the students have lost faith in the sanctity of University rules and regulations. Whenever a new rule is framed, the first reaction in the minds of the students is that there is some game in it. Either that it is directed towards the fulfilment of the interest of some one in the authority or that there is a conspiracy to suppress the students."

We can only add that this is a very sad, though perhaps a justified, comment on the state of affairs disclosed by the documents produced before us by the University, as well as the evidence given before us.

Appointment of teachers—irregularities alleged

3.162 The next matter to which we wish to refer is a complaint which we heard from the teachers and others that many appointments in the University had been made irregularly. The Teachers' Association sent a memorandum to us before their deputation met us. In their memorandum the teachers had made vague and general allegations in respect of what they described as regular appointments or irregular creation of posts. At the time when their deputation met us, we told them that if the Association was serious about the said allegations contained in the memorandum, it was necessary that concrete cases should be cited before us, and the deputation agreed to do so. Accordingly, we have received a document from the secretary of the Teachers' Association in which are set out what are alleged to be irregular appointments etc. (*Annexure XVII*). In fairness to the secretary, however, we ought to add that in his covering letter he has taken the precaution of intimating to us that the delay in forwarding the list was caused mainly due to the efforts of the Association to verify the facts mentioned in it. Nevertheless, in respect of a few cases it had not been possible to verify because of the inadequacy of the resources at the disposal of the Association. It is difficult for us to express any opinion on the points thus raised by the Teachers' Association. We do not think it would be legitimate or possible for us to consider the validity of any of these points.

3.163 In this connection, we would like to refer to the evidence given by the Vice-Chancellor before us. He said that he found that people wanted to appoint their own people. "First temporary appointment is made*. The situation is so created that the temporary post has to be continued for a period of six months or so. Then again he is given extension. Then the advertisement is either put on the notice board or given in the local papers. Temporary appointment is made. People from outside thus cannot apply. Thus persons with lower qualifications are appointed. We could get better candidates, but then it would

be a human problem. I have seen a man working against a temporary post for a number of years. At that stage, it is against my conscience to terminate his services and if he is retained, even then I feel that a person with better qualifications should have been appointed." The Vice-Chancellor then added that during the last year and a half that he has been functioning as the Vice-Chancellor, "about 180 appointments have been made through the selection committees. We are trying to bring these in order. We are now going slow with the appointments considering the number of students to be admitted."

3.164 It is likely that as a result of following the policy in which the Vice-Chancellor believed—and we think rightly—that temporary appointments intended to help local people should be avoided and permanent appointments after due advertisement should be made, on the recommendations of the selection committees, some temporary teachers have been displaced and that may have contributed to a sense of discontent in their minds and in turn led to the formation of groups. But for this result the Vice-Chancellor cannot be blamed.

3.165 Whilst we are dealing with this point, there is one question which has some relevance. It appears that the Rector presided over three selection committees in 1966-67, over 41 selection committees in 1967-68, and over 30 selection committees in 1968-69. Statute 3 of the Banaras Hindu University Act deals with the terms and conditions of the appointment of the Rector, his duties and his powers. Statute 3(5) provides that the Rector shall assist the Vice-Chancellor in all matters and shall also exercise such powers and perform such duties as may be delegated to him by the Vice-Chancellor. It is somewhat unfortunate that there is no statute or provision in the main Act expressly empowering the Vice-Chancellor to delegate his authority to the Rector to exercise his powers and perform his duties. However, statute 3(5), which we have just quoted seems to postulate the existence of this power by necessary

*Ordinance No. 11: Temporary appointment—seems to provide for such appointments.

implication. Statute 3(6) provides that where the Vice-Chancellor is the chairman of any board or committee appointed under statute 26 and he is absent for any reason whatsoever from any meeting of such board or committee, the Rector shall preside over such meeting. In other words, under the provisions of statute 3(6), if the Vice-Chancellor is absent when a board or committee appointed under statute 26 meets, the Rector is entitled to preside over the meeting of such boards or committees. We are not concerned with statute 26, because it does not deal with selection committees. Statute 27 deals with selection committees, and in terms it provides by clause (1)(b) that the Vice-Chancellor shall be the chairman of such selection committees. Incidentally, it refers to the composition of the membership of selection committee, with which we are not concerned except to point out that the Rector is not a member of such committees. Statute 28 provides that "where, by these statutes, no provision is made for the President or Chairman to preside over a meeting of any University authority, board or committee or when the President or Chairman so provided for is absent, the members present shall elect one among themselves to preside at the meeting. The result, therefore, is that the selection committees provided for by statute 27 attract the provisions of statute 28, in cases where the Vice-Chancellor, who has to be chairman of every such committee, is absent; and question which arises is whether the Rector can be the chairman of a selection committee when he is not a member of the said committee.

3.166 Two views are possible. One view can be that the Vice-Chancellor's authority to delegate his powers, which is implied in statute 3(5), is wide and unrestricted. If that is so, the Vice-Chancellor may be entitled, by a suitable order, to authorise the Rector to preside over the meeting of the selection committee contemplated by statute 27, though the Rector is not a member of such a selection committee.

3.167 On the other hand, it is also possible to take the view that where the Rector is entitled to preside over the meeting of any committee or board, it is specifically provided for by statute 3(6), and that refers to boards and committees provided for by statute 26. Selection committees form a distinct category of committees and are specially provided for by statute 27, and the policy underlying statutes 27 and 28 read together appears to be that in the absence of the Vice-Chancellor, it is only one of the members of the selection committee who shall be elected to be the chairman at the meeting. If that be so, the power to delegate authority, which is implied in statute 3(5), may not be exercisable in reference to selection committees provided by statute 27. We do not propose to express any opinion on the merits of these two views. We have referred to this aspect of the matter just to suggest that this ambiguity should be removed.

3.168 Since we have referred to this legal aspect of the matter which may conceivably have relevance on the complaint made by the Teachers' Association in respect of some appointments, it would be pertinent to refer at this stage to the appointment of the Rector himself. It appears that Dr. Hazari Prasad Dwivedi had been a Professor of Hindi at the Banaras Hindu University before 1957. It was in consequence of the inquiry which was held subsequent to the Mudaliar Committee's Report that he left the Banaras Hindu University. During the time that Dr. Joshi was the Vice-Chancellor of the Punjab University at Chandigarh, Professor Hazari Prasad Dwivedi was the Tagore Professor of Indian Literature in that University. Soon after Dr. Joshi took charge as Vice-Chancellor of the Banaras Hindu University, the Executive Council in their meeting held on September 28, 1967 resolved to invite Professor Hazari Prasad Dwivedi to be the Professor of Hindi in the Banaras Hindu University. At its meeting held on October 26, 1967, arising out of the agenda of the previous meeting relating to the appointment of Dr. Hazari

Prasad Dwivedi, the Vice-Chancellor informed the Executive Council "about the letter written by Dr. Vibhuti Narain Singh, Chancellor of the University to the Visitor on July 29, 1967 and the Education Minister's reply to him communicating the decision to re-advertise the post." The Vice-Chancellor also brought to the notice of the Executive Council a letter from Mr. Sudhakar Pandey, Publication Secretary, Nagri Pracharini Sabha, Varanasi and Member of the BHU Court in this connection. Thereupon the Executive Council resolved that "the decision already taken should stand and Professor Hazari Prasad Dwivedi be invited to rejoin the University as Professor and Head of the Department of Hindi". This appointment is alleged to have been made without complying with the relevant statutes and in consequence the Visitor issued a notice to the University calling upon the University to show cause why the decision of the Executive Council appointing Dr. Hazari Prasad Dwivedi should not be annulled. Meanwhile the University decided to appoint Dr. Hazari Prasad Dwivedi as the Rector of the University and, in consequence, the question about the validity of his appointment as a Professor did not remain to be considered. The appointment of Dr. Dwivedi first as a Professor of Hindi and then as the Rector appears to have created a feeling in the minds of some members of the teaching community as well as the student community that Dr. Dwivedi had received a special treatment from the Vice-Chancellor.

3.169 Now that we have referred to the appointment of the Rector, we may also refer to the recent appointment of the Principal of the Women's College. This case was brought to our notice at a very late stage of the inquiry and we do not propose even to set out the rival contentions about the validity, propriety or legality of the appointment in question. There is only one matter which is incidental to this appointment to which we wish to refer.

3.170 It appears that at its meeting held on March 28, 1969, the Executive Council resolved that the Office be directed to issue the appointment letter to the candidate who had been recommended for the post of the Principal of the Women's College that day, and she be asked to take over charge immediately. Before the Executive Council passed this resolution, on February 5, 1969, a communication had been addressed by the Secretary to the President, who is the Visitor of the University to the Vice-Chancellor, intimating to the Vice-Chancellor that the Visitor had received a representation in respect of the appointment in question and suggesting to him that the said representation should be very carefully examined in all its aspects and until that was done, it would be very desirable to allow the present incumbent to hold the post of the Principal.

3.171 This letter was received by the Vice-Chancellor in due course and yet the Vice-Chancellor did not draw the attention of the Executive Council to it when they considered the question of the appointment at their meeting on March 28, 1969. This, in our opinion, is an unfortunate lapse on the part of the Vice-Chancellor. After the Executive Council decided to accept the recommendations made by the selection committee, the aggrieved candidate has filed a suit in the Civil Court at Varanasi, challenging the validity of the decision of the Executive Council. We understand that the Visitor has also issued a notice calling upon the University to show cause why the relevant decision of the Executive Council should not be annulled.

3.172 There is yet another case of appointments which must be mentioned, and that relates to the appointments to posts of lecturers in the Department of Ancient Indian History, Culture and Archaeology. A selection committee was appointed for these posts and these recommendations were brought before the Executive Council at their meeting held on

July 22, 1968. It appears that at this meeting the Visitor's nominee, who was a member of the selection committee, as well as the dean of the faculty of arts made some comments on the recommendations of the selection committee. Thereupon the Executive Council decided that the selection committee may meet again and review its recommendations. Thereafter a meeting of the selection committee was called on two dates, but the selection committee could not meet. In the result, the selection committee did not review its recommendations as decided by the Executive Council. Nevertheless, the matter was taken up by the Executive Council again on October 7, 1968, and the recommendations originally made by the selection committee were accepted.

The procedure adopted by the Executive Council in dealing with this matter *prima facie* seems to run counter to statute 27(3), which provides that if the Executive Council is unable to accept any recommendation made by the selection committee, it shall record its reasons and submit the case to the Visitor for orders. Apart from this legal aspect of the matter, it is surprising that if the Executive Council thought it necessary to require the selection committee to review the matter, even without such review the matter should have been brought back to the Executive Council and decided by it. The only explanation which the University representative could give in support of this irregular procedure was that it was adopted in good faith.

3.173 Before we part with this topic, we should like to add that during our inquiry we have received several complaints about irregularities committed in respect of appointments and promotions of non-teaching staff. We have, however, not thought it necessary to take evidence in respect of these complaints.

3.174 We have also received complaints from some persons alleging that misappropriation of funds had taken place in the

administration of the University affairs, naming some persons in that behalf. We have taken the view that allegations of this type do not fall within the scope of our inquiry and so we have not thought it necessary to consider them.

The Institute of Technology

3.175 Another instance of an irregular procedure adopted by the University has reference to the founding of an Institute of Technology in the Banaras Hindu University on the pattern of the Indian Institutes of Technology and the appointment of the Director of the said Institute. It appears that on December 2, 1967, the Executive Council considered the proposal for the starting of the Institute of Technology in the Banaras Hindu University on the pattern of the Indian Institutes of Technology and resolved that a committee consisting of seven persons, headed by the Vice-Chancellor, be constituted to explore the possibility of organising such an institute comprising the Colleges of Engineering, Technology and Mining and Metallurgy. This committee submitted its report on April 1, 1968.

The report of the committee was included in the supplementary agenda for the meeting of the Executive Council held on April 3, 1968. The report, however, had not been circulated to the members, but was placed on the table on the day when the meeting was held. After considering the report, the Executive Council resolved that the report of the committee regarding the organisation of the Institute of Technology be referred to the Academic Council and the matter be placed before the Executive Council at its meeting along with the recommendations of the Academic Council.

In the meantime, the Executive Council in its meeting held on March 2, 1968 while considering the future set-up of the various colleges in the light of the Banaras Hindu University (Amendment) Act, 1966, *inter-alia*, resolved that the three

technological colleges, viz., Colleges of Technology, Engineering and Mining and Metallurgy be merged to constitute the Institute of Technology with a Director.

On April 27, 1968, the Academic Council considered the recommendations of the faculty of engineering dated April 1, 1968, and those of the faculty of technology dated April 4, and April 23, 1968, on the resolution adopted by the Executive Council on March 2, 1968 and *inter alia* resolved that the Colleges of Engineering, Technology and Mining and Metallurgy be merged to form the Institute of Technology and that the two faculties of engineering and technology be merged to form the faculty of technology and that the Dean designate of the new faculty be nominated as the Director of the Institute of Technology. The Academic Council at this meeting also considered the report made by the committee appointed by the Executive Council regarding the organisation of the Institute of Technology and, *inter alia*, resolved that (i) the report of the committee be accepted, (ii) the Vice-Chancellor be authorised to make such changes as may be found necessary after discussion with the Government of India and (iii) the post of Director be created. The Academic Council also proposed statute 25(A) regarding the Institute under the provision of section 17(1)(g) of the Act. Under this decision, the Director had to be a whole-time academic and administrative officer of the Institute and was entitled to be placed in the same grade as in the Indian Institutes of Technology, viz., Rs. 2,000-100-2,500. He was also entitled to be provided with free furnished accommodation in the University campus. In parenthesis, we may add at this stage that the salary of the Rector is Rs. 2,000 per month with a free furnished house, whereas that of the Vice-Chancellor is Rs. 2,500 per month and a free furnished house.

3.176 It appears that Executive Council on March 2, 1968, virtually decided the matter by coming to the conclusion that

the three technological colleges be merged to constitute into as Institute of Technology with a Director. This meant that when the Executive Council subsequently considered the report of the committee and the Academic Council considered the matter, the main question had in substance been decided on March 2, 1968 and all that remained to be done was to evolve the frame work for the functioning of the new scheme within the statutes. This procedure appears to us to be very unusual.

3.177 After the Academic Council passed the above resolution on April 27, 1968 pertaining to the establishment of the Institute of Technology, the matter came before the Executive Council the next day and by resolution No. 536 it was decided by the Executive Council that the Vice-Chancellor be authorised to negotiate the whole matter regarding the establishment of the Institute of Technology with the Government of India. It was also decided that the recommendations of the Academic Council be accepted, that the post of the Director in the grade recommended by the Academic Council be sanctioned and the necessary statute as required by section 17(1) (g) of the Act be framed. By this resolution, a statute which had been framed under section 17(1)(g) of the Act and statute 25(2) was adopted, as it was drafted. The resolution further dealt with several other details in regard to the organisation and functioning of the Institute with which we are not concerned. At this meeting, the Executive Council also resolved that Dr. Gopal Tripathi be appointed Director of the Institute of Technology with effect from May 1, 1968 on a salary of Rs. 2,000 per month in the grade of Rs. 2,000—100—2,500 as recommended by the Academic Council. The resolution thus passed was implemented and a circular to that effect was issued by the Registrar on May 17, 1968. It appears that on July 1, 1968, Dr. Gopal Tripathi, Director, Institute of Technology, wrote to the Executive Council, offering his services as Director without any additional remuneration and his offer was thankfully accepted by the Executive Council.

3.178 It was after these steps had been taken that the matter was taken to the Court. The Court held its meeting on July 6, 1968. However, this meeting adjourned and the Court subsequently met on October 5, 1968. At this meeting, the Court approved only some clauses of the proposed statute 25(A) which had been approved by the Executive Council and not others.

3.179 In view of the fact that the Court had not approved of statute 25(A) in its entirety, the matter was brought before the Executive Council again on October 7, 1968. At this meeting, one of the members of the Executive Council raised an objection that if the first part of the statute as approved by the Court was sent to the Visitor, it was likely that it may be struck down by the Visitor. Thereupon, the University obtained legal advice and on the strength of it proceeded to implement the statute as it had been adopted. Then, in due course, the statute was submitted to the Visitor for his approval and we understand that the approval of the Visitor is still awaited.

3.180 It appears that after the University gave effect to its resolution to start the Institute of Technology and appointed Dr. Gopal Tripathi as its first Director, correspondence ensued between the Ministry of Education and the University. On July 4, 1968, the Ministry of Education addressed to the Registrar a letter drawing his attention to the relevant provisions of the Act *vis-a-vis* the setting up of the Institute of Technology, appointing the Director, issuing advertisement for the filling up of various posts and making admissions to the said Institute. The Registrar was requested to show cause under sub-section (7) of section 5 of the said Act as to why the proceedings in regard to all the steps taken by the University should not be annulled. This query led to some further correspondence between the University and the Union Ministry of Education, but we are not concerned with it.

3.181 Ultimately, it appears that on March 28, 1969, the Executive Council took a decision that:

(i) the Institute of Technology be not established and the faculties of engineering and technology be administered by the respective Deans;

(ii) the post of Director of the Institute of Technology shall cease to exist;

(iii) this decision be implemented from April 1, 1969;

(iv) decision of the Executive Council which are contrary to or are inconsistent with this resolution be deemed to have been superseded by the latter; and

(v) the Vice-Chancellor be requested to appoint a committee to work out the pattern of technological education in the University and its coordination with the faculty of science.

3.182 We may add that as a result of a suit filed by one of the students of the Institute of Technology, an injunction has been issued by a Civil Court of Varanasi and the implementation of this resolution had been stalled. In his letter addressed to the chairman on June 3, 1969, the Vice-Chancellor has observed that we may try to find out whether the suit has been filed really at the initiative of the student or there is somebody else behind the student. A proper investigation of this case may help to clear up one of the chronic maladies of this University. We do not think it would be possible for us to make any investigation of the kind suggested by the Vice-Chancellor. The only comment we would like to make is that having considered the relevant facts, *prima facie*, we are unable to appreciate the procedure adopted by the University and the haste in bringing this Institute into existence and later in closing it. It is significant that the appointment of the Director of this Institute was made apparently without following the procedure prescribed by the relevant statutes. It is

very unfortunate that an important subject like this should have been treated in this casual manner. Some witnesses suggested that apart from the legal aspect of the problem, the unusual manner in which the Institute was started and in which it was decided to close it, shows that personal considerations may have played a major role; first, it might have been intended to help the appointment of the Director and then to put an end to the said appointment. They expressed their surprise and resentment in this matter in no uncertain terms. However, since the matter is *sub-judice*, we will refrain from expressing any opinion on this issue.

Maintenance of discipline

3.183 Let us now consider the statutory provision with regard to the maintenance of discipline amongst the students of the University. Statute 60 deals with this point. Statute 60(1) provides that all powers relating to discipline and disciplinary action in relation to students shall vest in the Vice-Chancellor. Sub-clause (2) empowers the Vice-Chancellor to delegate all or such of his powers as he deems proper to the Chief Proctor or to such other persons as he may specify in this behalf. Sub-clause (3) provides for the different penalties which the Vice-Chancellor can, in exercise of his powers conferred on him under sub-clause (1) impose upon the delinquent students. Sub-clause (4) confers disciplinary powers with the principals of colleges, heads of special centres, deans of faculties and heads of teaching departments in the University in respect of acts of indiscipline committed within the premises of their respective departments. Sub-clauses (5) and (6) deal with a somewhat different subject. Sub-clause (5) provides that detailed rules of discipline and proper conduct shall be framed and it empowers principals and other officers mentioned therein to frame such supplementary rules as they deem necessary for the aforesaid purposes. According to this clause, every student shall provide himself with a copy of these rules. Sub-

clause (6) lays down that at the time of admission, every student shall be required to sign a declaration that on admission he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and the several authorities of the University who may be vested with the authority to exercise discipline under the Act, the Statutes, the Ordinances and the Rules that have been framed thereunder by the University.

3.184 Two facts emerge from the provisions of this statute. The first is that the Vice-Chancellor is empowered to delegate all or such of his powers to the Chief Proctor or any other specified person. Unfortunately, the Vice-Chancellor does not appear to have exercised this power and to have delegated any of his powers to the Chief Proctor or any other person in dealing with a big campus like the campus of the BHU. It would have been better if the Vice-Chancellor had delegated to the Chief Proctor some relevant powers which would have enabled the Chief Proctor to maintain discipline in the campus more effectively. This view receives considerable corroboration from the statement made by the University that "the concentration of disciplinary powers in the Vice-Chancellor alone has led to the slackening of administrative control".

3.185 The other fact which emerges and which, in our opinion, is more significant is that notwithstanding the obligation imposed by sub-clause (5) to frame rules of discipline, considerable delay has taken place in complying with the provision of the said clause. The importance of this sub-clause will be apparent when we take into account the provisions of sub-clause (6) which requires a student on his admission to sign a declaration that he would comply *inter alia* with the rules framed in sub-clause (5). Failure to frame the relevant rules as required by sub-clause (5) appears to us to be serious omission on the part of the Vice-Chancellor. Unless disciplinary rules are framed providing for the procedure which has to be followed in taking disciplinary action against the delinquent students, it would not be possible for the students to know what

procedure they are entitled to claim before any action is taken against them. That is an inevitable consequence of the failure of the University to frame rules as required under sub-clause (5). The University representative faintly attempted to justify the failure of the University to frame rules as required under sub-clause (5) of statute 60, by suggesting that the University thought that the Ordinance for maintenance of discipline amongst students which had been framed under section 11(1) of the Banaras Hindu University Act, 1915 as amended, would continue to operate until the rules under the relevant statute of the present Act were framed. The Ordinance reads thus:

“The Standing Committee of the Academic Council shall perform all such duties and do all such acts as it may deem necessary for the maintenance of discipline among the students of the University and on a breach of discipline it may award to the student or students concerned such punishment including rustication and expulsion from the University as it may deem proper”.

We do not propose to examine and pronounce our opinion on the merits of this contention. However, we may incidentally point out that under the present Act, all the disciplinary power vests exclusively in the Vice-Chancellor under statute 60. The result is, the disciplinary power, which vested in the Academic Council under section 11(1) of the earlier Act, no longer vests in it, and it is, therefore, *prima facie* doubtful whether, having regard to this material change in the statutory provision as to the authority in which the disciplinary power vests, the Ordinance adopted by the Executive Council on the recommendation of the Academic Council could be treated as valid. The said Ordinance proceeded on the basis that initially the disciplinary power vested in the Academic Council and it could, by virtue of statute 22(x) delegate it to the standing committee of the Academic Council. That basis no longer seems to survive. But whatever may be the merits of this contention,

the point still remains that the University failed to frame rules as it should have under statute 60(5).

3.186 We would, however, like to add that from a letter received by our secretary dated June 3, 1969, it appears that the Executive Council considered the draft Ordinance regarding the discipline and grievance procedure at its meeting held on May 31, 1969. It is not necessary for us to quote the relevant resolution passed by the Executive Council in that behalf. The only comment we would like to make in respect of this resolution is that it does not appear that before this Ordinance was adopted by the Executive Council the Students' Union or any of its representatives were consulted.

3.187 Apropos the point which we have just made in regard to the declaration which every student is required to sign on his admission to one or the other department of the University, it is surprising that these declarations are not uniform and differ in material particulars (*Annexure XVIII*). This surely is not a very happy state of affairs.

3.188 While we are dealing with the question of delegation of disciplinary powers, we may also refer to another topic of an allied nature and that has relation to the implied power of the Vice-Chancellor to delegate to the Rector authority to discharge such powers and perform such duties as may be specified in that behalf. We have had occasion to refer to this before. We are unable to understand how the Vice-Chancellor did not delegate to the Rector appropriate powers particularly when he left India to attend the Commonwealth Vice-Chancellors' Conference in Australia. He must have been aware that during his absence admissions to the University will continue and even election of the office-bearers of the Students' Union will follow and these events, it was well-known, always cause disturbances in the University campus. That being so, the Vice-Chancellor should, as an act of prudence, have delegated to the Rector appropriate powers.

When we asked the Rector whether any power had been delegated to him to deal with the situation while the Vice-Chancellor was away in Australia, the Rector told us that no power, had been expressly or specifically delegated to him. In a letter dated May 26/27, 1969, addressed to the secretary, the Registrar has stated that no orders were passed by the Vice-Chancellor delegating powers to the Rector/Registrar during his absence from headquarters to Australia/New Zealand and has added that the Rector performed day-to-day work of the University and the action taken by him during the above period were duly reported to the appropriate bodies. That hardly would meet the requirements of statute 3(5).

3.189 One of the reasons which according to the statement submitted to us by the University contributed to the recent unrest may now be cited. The statement refers to the fact that as a result of the recommendations made by the Mudaliar Committee, another committee was appointed and in pursuance of the decision of the said committee the services of several employees of the University were terminated. Later in 1963 or thereafter as a result of the decisions of the Supreme Court, some of the employees whose services were terminated were ordered to be reinstated and that these persons returned to the University and they naturally entertained a sense of bitterness. Besides, the 1967 elections to the University Court returned several of the erstwhile members of the Court and Executive Council of the University and these persons again entertained a sense of bitterness. The statement of the University seems to suggest that this factor may have contributed to the unrest in the University. We are not prepared to say that there is no substance in it.

(vii) Our conclusions

3.190 Having thus described the major incidents and events which in our opinion contributed directly or indirectly to the recent unrest and agitation in the University campus, we must now sum up our conclusions.

3.191 Before we do so, however, we must deal with one important point. A senior person holding a high and respectable position in the public life of our country who, by virtue of his association with the administration of the Banaras Hindu University, is very familiar with its problems strongly urged before us that, in his opinion, the admission of Mr. Majumdar, Mr. Ravi Shankar Singh and Mr. Sinha without previous discussion with the Executive Council and contrary to the previous decisions of the appropriate authorities is, in the last analysis, responsible for the outburst of the recent agitation on the University campus. He agreed that the situation on the campus has now assumed such a serious dimension that some drastic action like the one recommended by the Mudaliar Committee may be required; but he earnestly pleaded that in making any such recommendation, we should hesitate to impair the status and position of the present Vice-Chancellor. He reminded us that the active, politically-oriented student-leaders who had spear-headed the violent agitation on many occasions during the recent period have been publicly clamouring for the resignation or removal of Dr. Joshi, and his view was that if as a result of our recommendations Dr. Joshi relinquished his position as Vice-Chancellor, these active leaders would deem it as their own victory and that would not only strengthen politically-oriented activist forces on the University campus, but would eventually build up student power in its purely political form. The University representative also urged similar considerations before us.

3.192 We agree that there is considerable force in the statements made before us by the witness to whom we have just referred. We realise that if as a result of our findings and our recommendations, the Visitor decides to change the entire set-up of the administration, including the Vice-Chancellor, it may give the active student leaders a sense of victory. We are anxious that student power in its purely political form should be discouraged from all university campuses and naturally we have given very anxious consideration to this aspect of the problem. In doing so, we have also borne in mind the fact that as a result of

frequent disturbances in the university campuses, many vice-chancellors are finding it difficult to discharge their duties effectively and without interruption; and this is a situation which undoubtedly needs to be immediately remedied.

3.193 Even so, if after considering all the evidence as carefully as we can, we feel driven to the conclusion that the present Vice-Chancellor has, as a result of several events and incidents which have taken place on the University campus during his tenure and his failure or reluctance to deal with them promptly and effectively along with other relevant factors, lost the confidence of a large majority of the University community, we do not see how we could reasonably refrain from recording such a conclusion, though such a conclusion is very unpleasant and distasteful to us.

3.194 We have referred to this aspect of the matter at the outset because we want to make it clear that we are not oblivious of the possibility that our findings may indirectly lead to the consequence to which our attention was drawn by the eminent witness we have just referred to, however much we would like to avoid such a result. But sense of duty compels us to state clearly what, in our view, are the conclusions which follow irresistibly from the evidence adduced before us. As our report will indicate, in doing so, we have unhesitatingly expressed our disapproval of, and condemned, what we regard as unworthy activities of active, politically-oriented student leaders, which were brought to our notice during the course of our inquiry.

3.195 Let us then begin by stating clearly that the allegation made against the Vice-Chancellor that he belongs to the RSS group is not established by any evidence before us. On the contrary, Dr. Joshi is a scientist, an educationist and had experience of the work of a Vice-Chancellor since he took over, and materially assisted, the building up of the Panjab University at Chandigarh as its Vice-Chancellor. After his experience at Banaras,

he himself appeared to be considerably disturbed and disappointed. In fact, when he met us, he told us that he felt that he had made a mistake in accepting the offer of the Union Government to be the Vice-Chancellor of the Banaras Hindu University.

3.196 Dr. Joshi was a teacher in the Banaras Hindu University some years ago and we can well imagine how he looked forward to help the University in its onward march towards attaining the status of pride in the academic world of India, when he accepted this challenging assignment. Subsequent events have, however, shown that his plan has not succeeded.

3.197 When Dr. Joshi began his tenure as Vice-Chancellor, he tried to carry on the human, humane and progressive policy which Dr. Sen had introduced during his time to establish rapport between the Vice-Chancellor and the administration on the one hand, the students and the teachers on the other.

3.198 Significantly enough, Mr. Majumdar had been elected the President of the Students' Union as well as the President of the Karamchhari Sangh a few days before Dr. Joshi took charge. Dr. Joshi decided to deal with the problems pertaining to the students and the members of the Karamchhari Sangh with the assistance of Mr. Majumdar. Evidence shows that Mr. Majumdar became conscious of his power as a result of the dual position he held in the life of the student community and the Karamchhari Sangh and began to feel that he could with impunity interfere in the affairs of the University. Even so Dr. Joshi did not reprimand him for his interference in such matters. Evidence shows that Mr. Majumdar used to meet teachers and ask for admission of certain students. Evidence also suggests that he expressed his opinion in the matter of appointment of teachers and granting extension of teachers who were about to reach the age of superannuation and that on the whole he began to throw his weight about. We are unable to decide whether all the statements made against Mr. Majumdar in this regard are true. Nevertheless we feel no hesitation in coming to the conclusion that after he became the President of the Students'

Union and the President of the Karamchari Sangh, he began to feel that he was a power to be reckoned with.

3.199 As we have already indicated, when a student leader assumes a position of this importance, he naturally gathers a group of students around him and behind this group, unsocial elements in the university campus assemble. That is what happened when Mr. Majumdar continued to be the President of both the Students' Union and the Karamchari Sangh. Several undesirable, ugly and criminal incidents took place during this period and from the evidence produced before us it appears that the Vice-Chancellor was either reluctant, unwilling or unable to deal with these incidents as firmly as it was his duty to do and this created a sense of dismay in the minds of an overwhelmingly large number of peaceful students who were keen to carry on their studies in their different disciplines. During this period, it is very likely that Dr. Joshi began to feel that Mr. Majumdar's behaviour was becoming more and more over-bearing and that a solution had to be found to the problem. It was apparently during this period that Dr. Joshi began to assess the situation in the light of the experience gained and as a result of the impressions formed by him he thought of building up some other person, who would be the President of the Students' Union and it was this search for an alternative leader, which brought Mr. Damodar Singh into the picture.

3.200 This change in the attitude of Dr. Joshi was strengthened by what happened on January 3, 1968 when the Prime Minister came to inaugurate the Science Congress held at Varanasi. We ought to emphasise the fact that at this time, Mr. N. P. Sinha and Mr. Majumdar were working together. Mr. Majumdar is a member of the SYS whereas Mr. Sinha is a member of the CPI. These two students made no secret of the fact that they are active members of their respective organisations. When it was announced that the Prime Minister was coming to inaugurate the Science Congress, the parties to which these two student leaders

owed allegiance had declared their intention to oppose the Prime Minister's arrival on the University campus.

3.201 The incidents connected with the inauguration, by the Prime Minister, of the Indian Science Congress have already been narrated by us. It was at this time that two groups of students clearly emerged, one led by Mr. Majumdar and Mr. Sinha, who wanted to obstruct the peaceful inauguration of the Science Congress and the other which called itself the resistance group, which wanted to support the Vice-Chancellor and help him to see that the inauguration went off peacefully. With this incident, the process of alienation between the Vice-Chancellor and Mr. Majumdar and Mr. Sinha on the one hand and his attachment to the resistance group on the other started. Mr. Damodar Singh happened to be the leader of this group. It may be recalled that it was after the session of the Indian Science Congress that Mr. Sinha publicly demanded the resignation of the Vice-Chancellor and that naturally alienated the Vice-Chancellor from Mr. Sinha also.

3.202 That explains how and why the administration began to build up Mr. Damodar Singh. When we asked Mr. Damodar Singh whether he belonged to the RSS he denied the fact, though some other witnesses have suggested that he was and continues to be a member of the RSS. However, we are not prepared to say whether he is an active RSS worker or not. No evidence has been adduced before us to show that he is.

3.203 As we have already pointed out, the administration began to build up Mr. Damodar Singh by first bringing him to the notice of the deans of faculties and heads of the departments by a circular issued by the Rector under the advice of the Vice-Chancellor appointing Mr. Damodar Singh as a person specially entrusted with the task of assisting the collection of Koyana Earthquake Relief Fund and books for the use of the poor students.

3.204 The next step in the process of building up of Mr. Damodar Singh was taken when despite the ineligibility of Mr. Damodar Singh as found by Mr. Balram Upadhya, retired Judge of the Allahabad High Court, several steps were taken one after another to make him eligible, with the result that he stood for election. It is true that at this time, the Vice-Chancellor was away in Australia, but having regard to the fact that under the advice of the Vice-Chancellor, the Rector had deliberately appointed Mr. Damodar Singh as a person specially authorised to assist the collection of the Koyna Earthquake Relief Fund, it would not be unreasonable to infer that whatever the Rector did during the absence of the Vice-Chancellor in order to enable Mr. Damodar Singh to stand for election as President of the Students' Union, must have been in pursuance of the policy which the Rector thought the Vice-Chancellor had decided to adopt.

3.205 The manner and the procedure by which Mr. Damodar Singh was allowed to stand for election must have created a sense of strong resentment not only in the minds of the group of students led by Mr. Majumdar and Mr. Sinha but also in the minds of other non-committed students, because it must have been known to the student community that Mr. Damodar Singh was found to be ineligible to stand for the election and that the administration was helping him to contest the election. That is not the end of the story.

3.206 After the election was held and Mr. Sinha succeeded, the Vice-Chancellor in one of the meetings of the students announced the votes polled by all the three candidates and thereby suggested that though Mr. Sinha was elected the President of the Students' Union, Mr. Damodar Singh had a substantial following amongst the students. Whether or not the Vice-Chancellor intended to build up Mr. Damodar Singh by making such a statement, the impression which the statement made in the minds of the students must have been very unfortunate.

3.207 The result of this process was that the Vice-Chancellor began to lean more and more on Mr. Damodar Singh and his group. It may well be that this group wanted the University to function normally and not be interrupted by disturbances and in that sense the Vice-Chancellor can be said to have been justified in taking assistance of this group. But once the Vice-Chancellor began to rely on this group, the old phenomenon repeated itself. Mr. Damodar Singh collected a large number of supporters behind him and behind this group of Mr. Damodar Singh's supporters, gathered unsocial elements on the University campus.

3.208 Besides, at this time, the teachers also appeared to have been sharply divided. Some of them supported Mr. Damodar Singh and his group of students, while others supported Mr. Majumdar and his group of students. Though a large number of teachers like a large number of students were not really taking any active interest in these groups, the most disturbing feature of the groupism among the teachers which came to surface is that the group of teachers who supported Mr. Damodar Singh, it is alleged, belonged to one particular caste and thus a spirit of casteism and a spirit of regionalism entered into the divisions not only of the students but of the teachers as well.

3.209 After Mr. Damodar Singh and his group began to support the Vice-Chancellor, several incidents took place and in respect of these incidents again, the Vice-Chancellor was either reluctant or unwilling or unable to take decisive action. We have referred to this part of the story earlier.

3.210 Another incident which created a sense of alienation in the minds of a large number of students and teachers against the Vice-Chancellor pertains to the orders of expulsion passed by him against Mr. Majumdar, Mr. Sinha and Mr. Ravi Shankar Singh. We have dealt with this matter in detail before but we would like to point out that, however wrong or condemnable the conduct of these students might be, the procedure adopted by

the Vice-Chancellor in passing these orders of expulsion was, in the special circumstances pertaining to these students, likely to be mis-construed by the large number of students and teachers as vindictive. The order of expulsion passed against Mr. Sinha in particular was open to the criticism that it might have been inspired by a desire to enable Mr. Damodar Singh to take Mr. Sinha's place as the President of the Students' Union.

3.211 At this stage we would like to make it clear that though we have commented on the procedure followed by the Vice-Chancellor in passing orders of expulsion against Mr. Majumdar, Mr. Ravi Shankar Singh and Mr. Sinha, we do not at all approve of their conduct in surrounding the Vice-Chancellor's car, delivering several violent speeches and instigating the commission of violent acts on the University campus during the period that they were leading the agitation against the Vice-Chancellor. A large body of evidence given before us by witnesses whom we see no reason to disbelieve referred to these activities of these three student leaders. From this evidence we are satisfied that they became power-conscious and did try to throw their weight about. This, in our view, is not at all conducive to the maintenance of discipline on the University campus and the steady pursuit of academic work.

3.212 The subsequent incidents which disturbed the peace and the harmony on the University campus and brought the PAC on the campus have already been narrated by us. On December 6 and 7, several acts of violence and hooliganism were committed on the University campus and it is not unlikely that they were committed by supporters of Mr. Majumdar and Mr. Sinha in order to bring home to the Vice-Chancellor their strength, particularly because the expulsion orders passed by the Vice-Chancellor against the three students were very much resented by their friends. In a sense, the expulsion orders, though they might have been justified on merits, can be said to be indirectly responsible for the acts of violence which disturbed the University on December 6 and 7, 1968.

3.213 The incidents that took place on December 8, 1968 in the Ramakrishna Hostel have also great relevance. The ruthless assault made by the PAC who were accompanied by some of the Proctors, on the residents of the Ramakrishna Hostel was likely to be constructed by the whole body of uncommitted group of students and teachers, as inspired by the desire to punish the friends and followers of Mr. Majumdar. We think the Vice-Chancellor should have promptly met the students and assured them of his sympathy and his determination to take effective steps to get them released and to bring the offending officers to book. In fact, if the Vice-Chancellor had looked into the matter personally without delay, it would not have been difficult for him to know that the attack made on the residents of the Ramakrishna Hostel was unprovoked and merciless and that at the time of the said attack some of the Proctors were present in the Hostel. The failure of the Vice-Chancellor to take personal interest in respect of this most distressing incident, is indeed very difficult to understand. It is not surprising that the assault on the students in the Ramakrishna Hostel struck terror in the minds of the whole of the University community and was widely condemned by the public at Varanasi.

3.214 These acts of omission and commission lend themselves to the criticism that both when the Vice-Chancellor relied on Mr. Majumdar and when he relied on Mr. Damodar Singh, he thought the University could be run by leaning on one group of students and treating them as allies and associates. In other words, this has been criticized by some of the critics of the Vice-Chancellor as a policy of "divide and rule". After the arrival of the PAC on the University campus, the Vice-Chancellor does not appear to have consulted the general body of teachers, as to how best and how quickly the presence of the PAC could be dispensed with from the University campus. During these days, he began to lean more and more on the group of students led by Mr. Damodar Singh and the group of teachers who supported him and that virtually isolated the Vice-Chancellor from the rest of the University community and created in their minds a sense of alienation.

3.215 In the present atmosphere prevailing on some of the university campuses, the task of the Vice-Chancellor has become very difficult. He has to be tactful and yet firm; he has to be sympathetic and yet insist upon compliance with the rules of discipline; he should always be accessible to the teachers and the students and talk to them in a human way and attempt to solve their problems. He has to guide impartially the deliberations of the authorities of the university and his anxiety must always be to see that the administration of the university deserves and secures complete confidence from all sections of the university community. This result can be achieved not merely by the exercise, however judicious, of the legal powers vested in the Vice-Chancellor, but by this influence with the university community and the prestige and respect he earns from them. As we have already pointed out the task of guiding the destiny of such a big university as the Banaras Hindu University is very onerous and poses several difficult problems.

3.216 Considering the conduct of the Vice-Chancellor in the light of this position, we feel it is necessary to make some comments in respect of some of the major incidents already described, though we hasten to add that we propose to do so with considerable reluctance. When on one occasion, it was brought to the notice of the Vice-Chancellor that a teacher in the Faculty of Fine Arts had been beaten by the students, the only action which he took was to pass an order calling for an explanation from the students as to why they should not be expelled. The Head of the Department reminded the Vice-Chancellor several times that no action had been taken against the students and yet the Vice-Chancellor did not move quickly or with imagination to deal with the situation. Ultimately a committee of inquiry was appointed by the Rector when the Vice-Chancellor was about to leave for Australia and as we have already pointed out, the incident was closed with an apology from the students.

3.217 If the beating of a teacher by the students is dealt with in this manner, it is not surprising that the faculty as a whole is likely to lose its confidence in the Vice-Chancellor.

3.218 On another occasion, it was brought to the notice of the Vice-Chancellor that two teachers were beaten by the PAC jawans and yet all that the Vice-Chancellor did was to ask the District Magistrate to make an inquiry into this incident. We think, it would not be unreasonable to say that if this is the only action which the Vice-Chancellor takes when a senior teacher complains to him that jawans of the PAC entered his room and beat him as a result of which he bled, it would not be surprising that the teaching fraternity felt that the Vice-Chancellor was not interested in protecting them on the University campus.

3.219 Then, in regard to the incident which took place in the Ramakrishna Hostel on December 8, 1968, the attitude adopted by the Vice-Chancellor was similar. We have already commented on this incident and do not wish to repeat what we have already said.

3.220 It is true that when the Vice-Chancellor took over the administration of the Banaras Hindu University, there were factions among the teachers and Mr. Majumdar was the president of the Students' Union and had become the President of the Karamchari Sangh. We have already attempted to assess the policy which the Vice-Chancellor adopted in dealing with complex problems in the administration of the University. We have shown how he first leaned on Majumdar and Sinha and their followers and when he found that they were becoming very turbulent, he turned to the resistance group led by Mr. Damodar Singh. This group declared that its intention was to maintain peace on the University campus and to stop the turbulent activities of the rival group. The alienation of the Vice-Chancellor from the group led by Majumdar and Sinha and his attachment to the group led by Mr. Damodar Singh can, as we have already indicated, be easily understood. But this process of alienation from one group and attachment to another became so distinct in the conduct of the Vice-Chancellor that Damodar Singh and his group and the teachers who supported this group began to feel that they had the full confidence of the Vice-Chancellor

and started throwing their weight about. When this happened, the Vice-Chancellor became virtually inaccessible to a large number of students and teachers who were not attached to any group and that created a sense of estrangement between the majority of the students and the teachers and the Vice-Chancellor. If only the Vice-Chancellor had taken adequate precaution to see that the group led by Mr. Damodar Singh and the teachers associated with it did not create a feeling in the minds of the student and teacher community that they were all-powerful, perhaps the position would have been different. But at the time of our inquiry, we got the impression that the majority of the University community felt that Damodar Singh's group and his supporting teachers were all-powerful and that the Vice-Chancellor was not really accessible to them. This position unfortunately created in the minds of many students and teachers not attached to any group that the Vice-Chancellor was adopting the policy of "divide and rule". It is likely that the Vice-Chancellor did not intend to adopt such a policy but if only he had been careful in dealing with Damodar Singh's group and the teachers supporting him, things might have been different. In this connection, all we can say is that "of all sad words of pen and tongue, the saddest are these : it might have been".

3.221 Therefore the conclusion to which we feel driven with deep reluctance and regret is that the Vice-Chancellor has now lost the confidence of the overwhelming majority of the University community consisting of students and teachers. On that view we are clearly of the opinion that his continuance as Vice-Chancellor will not be in the interest of the University and would not help to introduce normalcy on the University campus without which university life in the ordinary sense would not be possible.

3.222 In regard to the teachers we have just indicated that though the Teachers' Association, which is a formally organised body, has on its roll teachers belonging to different regions, castes and speaking different languages, there is no denying the fact that the teaching fraternity is sharply divided, and this

division also tends to be based on caste. How this caste feeling on which the groups of teachers have been formed affects the minds of the students, was best illustrated before us by a very brilliant young man who gave evidence before us. He comes from a non-Hindi area and has very good academic record. He told us that he was not interested in politics and the pursuit of his studies was his sole objective. He had secured 78 per cent marks last year in honours course and stood second. He then added that he had found in his faculty at least 'Singhism' and 'RSSism' and that favouritism is shown to 'Singhs' who belong to Thakur community and those who belong to RSS. We are not suggesting that the opinion expressed by this witness is true or well-founded. We have referred to this opinion just to illustrate the point that if the teachers form themselves into groups on the basis of caste, their decisions are likely to be misconstrued by the general student community. The result is that the student community is divided, the teacher community is divided and even the Class IV employees are divided because two Unions of the Class IV employees are now in existence on the University campus.

3.223 The proceedings of the Court also disclose a disappointing story. We have heard the record through a tape of the proceedings of the sitting of the Court and they sounded like proceedings in a stormy political conference. Besides, the tape showed that when speeches were being delivered by members of the Court, a large number of students as well as members of the non-teaching staff who had gathered in the hall according to the custom* prevailing in Banaras began to express their disapproval by raising shouts and that led to a virtual pandemonium. The result was that the meeting had to be adjourned. A very respectable member of the Court who gave evidence before us regretfully mentioned to us that when a kind of tussle was going on between one speaker and the shouting students, the Vice-Chancellor who took an active part in the proceedings, did not take any effective action to stop the shouts from the students

*We understand that this was discontinued in October, 1968 meeting.

and in fact he thought that the Vice-Chancellor was not averse to the attitude displayed by the shouting students.

3.224 The Executive Council was either not fully apprised about the several ugly incidents which took place on the University campus from time to time, or if it was, it did not think it necessary or expedient to move the Vice-Chancellor to take suitable action in respect of them. In fact, when we mentioned some of the major incidents to two of the members of the Executive Council, they were themselves surprised and felt deeply concerned. After hearing the evidence of some members of the Executive Council, the impression we formed is that, having regard to the present composition of the Executive Council, members of the Council who are independent and do not belong to any group or party are, on occasions, not able to influence, as much as they would like to, the decisions of the Executive Council.

3.225 The standing committee of the Academic Council seems to have acted under coercion of student leaders and changed rules and regulations from time to time. Some of its decisions are inconsistent with each other. The result is that there is an atmosphere of suspicion, fear and alienation in the minds of a large number of students, teachers and even the members of the non-academic staff. It is difficult to apportion blame for this unfortunate position but whether or not one is able to apportion blame, one feels compelled to draw the conclusion that the administration including the Vice-Chancellor has lost the confidence of the overwhelming majority of the University community. This conclusion, no doubt, is very unpleasant and distasteful to us; but we do not see how we can reasonably escape it. In this connection we may add that the gist of the evidence which many disinterested witnesses gave before us supports our assessment and our conclusion.

3.226 It now remains to point out that the failure of the police authorities to take effective action on December 6 and 7, 1968

and their high-handed and brutal conduct in beating up the students of Ramakrishna Hostel on December 8 have caused us very grave concern. Whether or not the police authorities' conduct on these three dates was the result of their close cooperation with the University administration, as alleged by some witnesses, it is difficult to say. At the time of our inquiry, however, we found that there was complete estrangement between the University administration and the district authorities. We suggest that it would be advisable for the State Government to examine the question about the conduct of the police officers on December 6, 7 and 8, 1968 on the University campus and find out the causes for their total inability to prevent or control hooliganism and incendiarism on December 6 and 7, and for their ruthless assault on the residents of Ramakrishna Hostel on December 8. If it is found that the police authorities were guilty of dereliction of duty, the UP Government may consider what action should be taken in that behalf.

CHAPTER IV

REMEDIES

4.1 We have dealt at some length in the preceding chapter with the causes which led to the recent unrest and agitation on the University campus and have recorded our conclusions. We now turn to the more difficult but also the more rewarding part of our work and that is to make such recommendations as may be considered necessary or expedient for remedying the situation and for improving the general tone of discipline and law and order in the University.

4.2 The recommendations which we propose to make could be divided under two categories: the first will be directed to help to introduce on the University campus an atmosphere of normalcy so as to enable the University community to pursue its legitimate functions without disturbance and disruption, violence, or threat of it. This will be a short-term remedy; and since its object is to help introduce normalcy on the campus immediately, we recommend that the Visitor should be pleased to examine its reasonableness and propriety as early as possible; and if he decides to accept it, advise the Union Government to take suitable action in that behalf without delay.

4.3 The other set of recommendations are of a long-range character and intened to improve the general tone of discipline and law and order in the University. These have a considerable bearing on the academic life and organization of the University; for no lasting solution (if there is one such) to the kind of problems we are facing is possible except on the basis of effective measures to raise the level and quality of teaching, learning and research, and general upgrading of academic standards. The recommendations must inevitably take into account the fact that

the Banaras Hindu University was founded as an all-India institution and it was the firm hope of its founder, Malaviyaji, that it should occupy a place of pride in the academic world. Before we proceed to make recommendations, it is necessary to refer briefly to the historical background of the establishment of the University.

4.4 The Banaras Hindu University was incorporated and came into existence as a result of the Act of the Government of India (XVI of 1915), which received the assent of the Governor General on October 1, 1915. The all-India character of the University was eloquently described in the first Convocation Address delivered on January 19, 1919, thus:

“It is my earnest hope—a hope which I know will be echoed by millions of my countrymen—that the Banaras University may not only be an object of special veneration and solicitude to the Hindus, but may also attract by the quality of its secular education, young of all religious persuasions in India. The institutions should be Indian first and Hindu afterwards. The graduates who receive their degrees today are a handful, but their number is destined to grow. I look forward to the day when young men from all parts of India will fill these lecture halls and after completing their education will go out skilled and capable, and equipped both mentally, morally, and physically to fight life’s battles as citizens of this great country. If wisely guided, the University should in due course become a truly national institution of which every Indian, whatever his race or creed, might be justly proud.”

In 1920, Gandhiji said that he hoped the Hindu University would acquire reputation as a great centre of learning. The same hope was expressed by the founder, Malaviyaji, on the occasion of the 12th Convocation Address, when he emphasised the fact that the University was established as an all-India university and he proudly claimed that it had proved in every sense to be so.

4.5 It is in the light of this historical background of the foundation of this all-India institution that we must proceed to make our recommendations.

4.6 Having regard to the conclusions which we have recorded at the end of the last chapter, our first recommendation for immediate implementation is that the Act under which the Banaras Hindu University is at present administered should be amended. If and after the Visitor is pleased to accept this recommendation, we venture to suggest that it is desirable that the said recommendation should be implemented, if possible, before the University re-opens after summer vacation. In other words, what we have suggested is that the Act and Statutes of the University may be amended. The present bodies including the standing committee of the Academic Council responsible for the administration of the University should be dissolved and appropriate steps taken to provide for a "nominated" Executive Council and a Court and a new Vice-Chancellor. We are conscious that this is a drastic recommendation, but we ought to add that having considered the evidence placed before us, we have no hesitation in suggesting that the administration of the University under the provisions of the present Act cannot possibly restore normalcy on the campus without which University life in the ordinary sense would be impossible. The term of the nominated authorities should be as brief as possible, and not more than three years. In making this recommendation we ought to repeat what we have already said in the previous chapter, that for several reasons indicated by us the present administration, including the Vice-Chancellor, has lost confidence of an overwhelmingly large proportion of the University community. We ought to explain that we are impressed by the view that the nominated Executive Council which we are recommending would have a measure of coherence and commitment and would be able to take expeditious decisions so necessary to restore normalcy and win the confidence of the academic community. In support of our recommendation we may be permitted to say that a large number of witnesses who gave evidence before us themselves suggested the

immediate replacements, as a temporary measure, of the present Executive Council and Court by nominated bodies of relatively small size and of persons enjoying the esteem and confidence of the University. We would like to refer to the witnesses who gave evidence before us on behalf of the Citizens' Committee. Their evidence appeared to us to be impartial, fair and reasonable. They suggested to us in categorical terms that unless the present administration was removed, it would be impossible to restore peace and harmony on the University campus.

4.7 In constituting the appropriate bodies by nomination, we would recommend to the Visitor that in nominating on them educationists and other eminent persons on an all-India basis, it should be ensured that they would make it a point to attend meetings of the bodies on which they are nominated. We would also recommend that teachers of repute working in the Banaras Hindu University should find a place in these bodies. What should be the proportion of these different elements is a matter for the Visitor to decide.

4.8 The second set of recommendations will cover two different aspects. The first will be in relation to the academic structure of the University and the second will be in relation to the composition of the different bodies which will manage the affairs of the University. We shall first deal with the academic structure of the University.

4.9 Before we make our specific recommendation about the academic structure of the University, we ought to make some preliminary observations. Though the evidence given by witnesses in matters relating to the causes of recent unrest and agitation differed, fortunately all the witnesses agreed before us that the all-India character of the University and even more the goal of quality and excellence which inspired Malaviyaji in establishing the University should be sustained and re-inforced, and our recommendations in regard to the academic structure of the University are based primarily on this consideration.

4.10 In this connection, there is one point of some importance to which we wish to refer. The Banaras Hindu University like the Aligarh Muslim University, the Delhi University, Visva-Bharati and the Jawaharlal Nehru University, are Central Universities and the Union Government fully finances, through the University Grants Commission, the expenditure incurred by these institutions. The question which arises is what should be the special features of a Central University. Central Universities should not be regarded as central merely because the Central Government finances them. They should have distinctive character of their own. The Central Universities should seek to supplement and not always duplicate the facilities and achievements of the State Universities. The State Universities, though they should function in every possible way as all-India institutions; have a basic responsibility to the needs of the State and the local community, and sometimes these may not coincide exactly with the order of priorities and demands of other parts of the country or the country as a whole. However, in the case of the Central Universities their role and responsibility is clear: it is to function effectively and vigorously on an all-India basis, to help build up a corporate intellectual life in the country and to further national integration. Broadly speaking, the Central Universities should provide courses which need facilities (in terms of staff and equipment) ordinarily beyond the reach of State Universities or for which the demand would be too small if limited only to the requirements of an individual State. There is another aspect to which we would like to refer as it has reference to the special functions and responsibilities of Central Universities. It is well known that in our country, just as some areas are economically backward, so are some areas educationally backward; and we feel that the Central Universities should regard it as a part of their special function to contribute towards removal of imbalances from the academic life of our country and take suitable action to help deserving students from educationally backward areas. In order to achieve this object such facilities as may be necessary should be made available to the Central

Universities. We are aware that the University Grants Commission has been concerned with some of the problems outlined above and we have no doubt that the Commission will look into these matters further.

4.11 While considering this recommendation, it is necessary to face the facts as they exist today. The University enrolment, specially in the undergraduate level is drawn largely and not unexpectedly, from the neighbouring areas, mainly the eastern U.P. and western Bihar. Also, why students from distant areas do not seek admission at the undergraduate stage is that in almost all regions new universities in recent years have been established catering to the needs of the local undergraduate students.

4.12 Further, if an overwhelmingly large number of students at the undergraduate level come from neighbouring areas, it would follow without anybody's fault that even at the postgraduate stage, proportion of local students will be unduly large.

4.13 We are, therefore, satisfied that if the all-India character of this University is to be maintained and strengthened and if the quality of education imparted at the University is to substantially improve, the student body or at any rate the bulk of it should be more *mature, more carefully selected* to ensure a higher level of ability and instruction than is the case at present. Also some steps should be taken to secure a more equitable distribution of seats at the university in respect of different regions of the country. That is why in our opinion it is desirable that the University should confine its teaching activities mainly to postgraduate courses and to technical and professional courses. We would, therefore, recommend that ordinarily for admission to the Banaras Hindu University, the age of entry should be 19 plus and a basic qualification of first degree in arts and science. What selection procedure should be followed in order to achieve this end is a matter which may be worked out by the University in consultation with the University Grants Commission in due course.

4.14 We would like to stress that the Banaras Hindu University is very fortunately placed in having a large number of faculties on its campus and it should, we think, be its special privilege to develop an inter-disciplinary approach amongst these various faculties such as faculties of science, agriculture, medicine and engineering. Besides these, a number of border-line courses can be developed in the teaching of which all these faculties can contribute without resorting to duplication of efforts in individual units. Apart from this, there is a considerable need for interaction between modern scientific subjects and Indian philosophy. These are some of the special sphere of higher educational activities in which the Banaras Hindu University can and should take a lead.

4.15 We feel that there is an immediate need for the reorganisation of engineering and technical education at the University. The existing facilities at the University no doubt need to be strengthened but also there should be a much closer association than at present between the several engineering and technological departments of the existing faculties of engineering and technology and faculty of science. We think that the present engineering and technology faculties of the University should be brought together and made to function in an integrated and coordinated manner within the broad framework of the University. Many witnesses who appeared before us accepted this concept as also that of university entry at the age of 19 plus. A very welcome and desirable result of this proposal would be that the campus will gradually have mature and better qualified students from all over the country, which would help to make the University a truly all-India university. When we refer to technical and professional courses, a point may arise whether admission to these courses should be after the first degree or earlier. Two views are possible on this subject. So far as law and teacher education are concerned, admission is after graduation. As regards engineering, agriculture and medicine, some academics, but certainly not all, hold the view that if not the entire admissions, at least a substantial proportion should be of students who have

taken their first degree in science. The Central Universities would be the obvious choice for providing professional courses with a first degree as the entry qualification. This will be in conformity with our recommendations made earlier with regard to the age of entry at the university level. The entire matter would need further examination and we would suggest it be considered by the Union Education Ministry in consultation with the University Grants Commission.

4.16 Flowing from this conclusion, it follows that we are of the opinion that the University should not be concerned with pre-university, B.A., B.Sc., and B. Com. courses. This would also mean the closing of the Women's College, which only provides teaching at the undergraduate level.

4.17 The University also runs two high schools, one for boys and the other for girls. It may be that due to sentimental reasons, this has been continued for all these years. We strongly feel that the two schools should not be run by the University and the Faculty of Education should take advantage of the facilities available in the other schools in Varanasi for practical training.

4.18 The University has also some affiliated colleges providing for undergraduate education in Varanasi. There are other colleges also in Varanasi which are affiliated to the Gorakhpur University. We see no reason why, particularly in view of the fact that we have recommended that there should be no undergraduate courses in the University, the University should continue to affiliate these colleges, over which its control is rather remote. The University may make recommendations for academic development, but the funds required for such development, are to be obtained by these colleges from the State Government. This dual control is not conducive to the maintenance of proper standards.

4.19 If the University stops providing teaching facilities for undergraduate courses, it may be necessary for the State Government or private agencies to start a few more colleges in

Varanasi. We can appreciate the sentiments of the people of Varanasi of having these colleges affiliated so far to the Banaras Hindu University. We would suggest that apart from the affiliation of these colleges to the Gorakhpur University, the possibility of reorganising and affiliating these to the Kashi Vidyapith, which is a deemed University, or to the Varanaseya Sanskrit Vishva-vidyalaya may be explored.

4.20 We have taken cognizance of the fact that if the above recommendations of the committee are accepted, a considerable number of staff would become surplus. In any case, this closure of the pre-university and undergraduate courses will have to be done over a period of four years. It may be that by that time some of the teachers would retire and also with the expansion in the postgraduate wing, which we envisage, it may be possible to absorb some of them, but this is a matter of detail and, as suggested above, could be looked into by the University Grants Commission.

4.21 Further, to attract students from States other than UP, the University may consider the possibility of providing some scholarships for such students and also travel grants.

4.22 Some of the witnesses with whom we discussed this proposition felt that there may be some difficulty about the medium of instruction, in view of the location of the University in UP, we would not like to go into details of this matter, but would only quote from the recommendations made at the Vice-Chancellors' Conference in 1967, which would clearly indicate that such difficulties should not be unsurmountable. These recommendations read thus:

(1) The conference considered the question of the place of regional languages in higher education and affirmed its conviction that energetic development of Indian languages and literature is vital for the promotion of higher education and of national culture generally. The subject of change-over

of medium of education to regional languages, the conference stressed, could only be considered as an integral part of a deliberate policy and plan with a view to improving the quality of education, promoting creativity and national integration and bringing education closer to the needs and aspirations of the community.

(2) The conference was in general agreement with the recommendations of the Education Commission with regard to change-over in the medium of education. But, higher education is a closely integrated system and any modification such as a change in the medium of education, would have a direct effect on other parts of the system. The conference recognised that the change-over in the medium of education, if properly carried out, would be a major step towards improvement of higher education and towards strengthening of its roots in our soil. The programme should be pursued in a sustained and systematic manner. The conference endorsed the statement of the Education Minister that "the programme of change-over to regional languages as media of education will have to vary from university to university, from subject to subject, and even from institution to institution, in the same University. The criteria in each case should be that the change-over helps, at every stage, to raise standards." The manner and speed of the change-over should be left to the university system. This was in accordance with the recommendation of the Education Commission and was reiterated by the Education Minister in his address to the conference.

(3) The conference felt that at the undergraduate stage, the change-over in medium of education to regional languages could be carried through in about five to ten years, depending on the degree of preparatory work already done, on the nature of subject and other relevant factors. In the programme of change-over the importance of English should be

fully recognised and adequate arrangements for its study made at the undergraduate level.

(4) At the postgraduate and research level the question of "medium of education" loses its usual meaning, as students will have to depend, for instance, in science, medicine and technology, on books and journals in English and other important world languages because of the universality and rapid growth of knowledge.

(5) In the case of all-India institutions, the present arrangements regarding the medium of education may continue, as recommended by the Education Commission.

(6) In the case of large cities, with multi-lingual population, the medium of education may continue to be English, in addition to the regional languages which the university would provide.

We may add that in regard to the medium of instruction in law and in medicine, different considerations will have to be taken into account. The language of the High Courts and the Supreme Court will determine the medium of instruction in law and the medium of instruction in medicine will be influenced by the decision which the Medical Council of India may take in that behalf.

4.23 We understand that the University Grants Commission, on the advice of the Vice-Chancellors' Conference held in April, 1969, have appointed a committee to consider the general question of the structure of universities and composition of and representation on the various university bodies i.e., executive council, academic council, court etc., and the question of student participation in the statutory bodies of the universities. The recommendations made by this committee should be available in the near future and would be useful for framing the revised Act of the University. We however venture to suggest some points for consideration for the preparation of the new Act.

Court

4.24 In the Acts of the Central Universities, the Court has been decided as the 'supreme authority/governing body' of university. Unfortunately, the members of the Court have construed this description somewhat liberally and literally when they seek to exercise their authority as members of the Court in relation to questions pertaining to the framing of policies and programmes of the University and suggesting general measures for the improvement of the University which fall within the purview of the Academic Council or Executive Council.

It appears to be the general feeling of the members that the Court could over-rule or impose its views on the other bodies of the University, in matters both academic and others. In view of this, it would perhaps be desirable not to define the Court as the 'supreme authority', and a policy-making and a reviewing body. Even the review should be generally in such a way that it does not infringe the powers given to the Executive Council and the Academic Council.

The strength of the Court should not exceed 100 and preferably it should be about 80. Further about 50 per cent membership should be from outside the University. We have not gone into the character of different categories but we strongly feel that the representation of the registered graduates should be kept to the minimum. In this connection, we would like to quote from the Report of the Committee on "Model Act for Universities":

"The older pattern did not include the Academic Council particularly at the stage when the University's main responsibility consisted largely of examining and very little of teaching. It is necessary clearly to demarcate the functions of these bodies, each having specified authority as confusion can arise by each body trying to advise the other with regard to its functions. At one time when there was no Academic

Council it was usual to describe the Court as the supreme governing body. But in some of the newer Acts, this has been advisedly omitted. In general, the Court is intended to bring into the university the lay element and this has the advantage of bringing the university into contact with eminent men in public life, in industry and trade, and those who provide finances for it. The 'lay representatives' in the Court (and any other authority) can render great service to the university by their greater knowledge of the world and their ability to represent the general desires and aspirations of society. The committee recommends that in general the authority to be given to the Court should be firstly for framing the budget, as it would be necessary to have a larger body than the Executive Council to take responsibility for this. Secondly, the Court should have the authority to indicate broadly what courses a university should have. Thirdly, the Court should review the work of the university as presented in the Annual Report, and act generally as a consultative body. The Court should have no power to interfere with the decisions of other authorities acting within the powers given to them by law; the Court is not to be regarded as a superior body to revise the decisions of the Executive Council or the Academic Council. Legislation by the Executive Council or by the Academic Council need not require confirmation by the Court. It should operate as a body concerned with general policy and the well-being of the university."

Generally, a provision in the University Acts is made that persons are elected from the Court to the Executive Council and in such elections the teachers of the universities are debarred. We feel that this is not a healthy practice. The teachers should have equal opportunities as other members in seeking election to the Executive Council. The only point to be kept in view

is that the Executive Council is not dominated entirely by teachers. With regard to the nomination of the Members of Parliament on the Court, we would quote the following paragraph from Report of the Committee on "Model Act for Universities":

"It is felt that Parliament or State Legislatures or other local bodies need not be separately represented, but members of these bodies may be nominated by the Visitor in their personal capacity."

In our view, this would meet the need of the association of the Parliament with a Central University.

We also feel that to enable the University to move forward in changing times, the Statutes after approval by the Executive Council should be referred direct to the Visitor and not through the Court which meets once or twice a year.

Executive Council

4.25 The Committee on "Model Act for Universities" has suggested the composition of the Executive Council as follows :

Vice-Chancellor	1
Pro-Vice-Chancellor or Rector of University	1
Deans (who should be full-time teachers) of Faculties.	4
Principals of Collegés	4
Persons elected by the Court from among its members.	3
Persons nominated by the Visitor (which may include Government representatives).	4

It may be an advantage to have on the Council two professors other than deans, and also one or two persons nominated by the Chancellor.

We would, however, suggest that the constitution of the Executive Council of the Banaras Hindu University may be as follows:

Vice-Chancellor	..	1
Rector(s)	..	1
Deans of Faculties	..	3
Four members elected by the Academic Council. Three from amongst themselves; (one Professor, one Reader and one Lecturer); one woman teacher not necessarily a member of Academic Council.	..	4
Persons selected from the Court from its members provided not more than one teacher is included in this category.	..	3
Persons nominated by the Visitor	..	5

Academic Council

4.26 The present constitution of the Academic Council could continue, but we feel that to make this a more compact body the number of professors other than the heads of the departments in the University may not exceed five.

Standing Committee of the Academic Council

4.27 As already explained, we would recommend, that the standing committee of the Academic Council should be abolished. The functions at present specified by the relevant statutes of the University have been divided between the Academic Council and the standing committee of the Academic

Council. We feel that the entire functions covered by the said statutes should rest with the Academic Council. It would be, however, open to the Academic Council to appoint committees or sub-committees to deal with subject-matters but the decision taken on all academic matters should be subject to the approval of the Academic Council. It may also be desirable to have a Board of Research Studies.

Selection Committee

4.28 The present statute provides for making recommendation for appointment to the posts of Professors, Readers, Lecturers, Registrar, Finance Officer, and Librarian. This may remain as at present, but we feel that the statute should provide also for the constitution of the selection committee for heads of academic institutions which may not be working on a faculty basis. In this connection, we quote the following from the Estimates Committee Report (1965-66)—Banaras Hindu University :

“The Committee note the observations made by the Enquiry Committee regarding selection of teachers. They also note that since then the procedure for selection of teachers has been streamlined. The Committee, however, regret that even then the same has not been uniformly and properly followed. Selections have been made of readers and lecturers even when the requisite number of experts were not present in the meeting, even though it was in violation of the rules. The Committee note that during the last three years, there were four cases where conflicting views were expressed by the Executive Council and the Selection Committee over the choice of some teaching staff. The Committee would stress that greatest possible care should be exercised in the recruitment of teaching staff, as this has got a direct bearing on the standard of teaching in the University and maintenance of discipline.

The Committee note that in the Banaras Hindu University (Amendment) Bill, which is now pending before the Lok Sabha, a provision has been made for associating the Visitor's nominee with every Selection Committee".

A provision should be made that no recommendations of a selection committee would be treated valid unless at least two experts in the case of professor and at least one each in the case of reader and lecturer attend the meetings. We also suggest that in view of the large number of meetings of the selection committee, the work for presiding over the selection committees may be distributed between the Vice-Chancellor and the Rector, by appropriate provision in the statutes.

Finance Committee

4.29 We would suggest the constitution of the Finance Committee as follows:

Vice-Chancellor	..	1
Deans of Faculties to be nominated by Executive Council (out of Deans who are the members of the Executive Council).	..	2
Nominees of the Visitor	..	3
Person who is not an employee of the University nominated by the Court.	..	1
Finance Officer should act as the secretary of the committee.		

Vice-Chancellor

4.30 The present system of appointing the Vice-Chancellor may continue, but we would suggest that the two nominees of the University on the committee which recommends the panel should

be the nominees of the Executive Council and should not be nominated by the Court, or in the alternative the committee may consist of the following:

- (i) A person nominated by the visitor.
- (ii) A person nominated by the Chairman, U.G.C.
- (iii) A person nominated by the Executive Council.

The person nominated by the Visitor will be the chairman. The present rules provide that the Vice-Chancellor shall hold office for a term of five years and shall not be eligible for re-appointment. We feel that ineligibility clause should be omitted, but no one should hold office for more than two consecutive terms.

Rector

4.31 We would again like to quote the following from the Report of the Committee on "Model Act for Universities" with regard to the appointment of Pro-Vice-Chancellor or Rector:

"The Vice-Chancellor is concerned, inevitably, with almost every part of the work of the university. This in itself is an exceedingly heavy responsibility, and it becomes, still more so if the university is an affiliating one with large number of colleges and departments and students. It sometimes happens that a Vice-Chancellor is unable to attend adequately to the more important work of policy-making and development because of the need to attend to routine work and administration. It is therefore very important that the Vice-Chancellor, where necessary, is provided with a deputy, that is, a Rector or a Pro-Vice-Chancellor. Ability to delegate and yet to keep a general over-all control is a difficult art. It is important that relief is given to the Vice-Chancellor; but the manner in which it is done sometimes creates difficulties and complications. It may happen that if the Pro-Vice-Chancellor, or Rector, or other officer intended to provide relief

to the Vice-Chancellor is chosen in the same manner as the Vice-Chancellor, it may not be possible to ensure that there is between them the complete understanding that is essential if the Pro-Vice-Chancellor is a real help to the Vice-Chancellor. One of the simplest ways in which the Pro-Vice-Chancellor can be chosen is for the Executive Council to fix the salary and other conditions of service, and leave it entirely to the Vice-Chancellor to choose the Pro-Vice-Chancellor for the duration of his own term or for a shorter period if he so desires. It will work most satisfactorily if the person so chosen is one of the professors with some flair for administration. The next Vice-Chancellor may reappoint the same person, but if he prefers somebody else, the last Pro-Vice-Chancellor can revert to his department.

During the time that a professor or other member of the University staff works as Pro-Vice-Chancellor an additional allowance may be given to him. The age of superannuation and other terms and conditions of service of the Pro-Vice-Chancellor should be the same as for the professor of the University."

We endorse these views but feel that the designation of the post should be 'Rector'. We also suggest that in view of the complexity of work in the University, particularly in the light of its big campus, it may be desirable to provide for more than one Rector in case of necessity. This should, however, be made clear that this is not a decorative office, but the incumbent should take full responsibility in sharing the burden of the Vice-Chancellor.

Heads of departments

4.32 We feel that in view of the fact that the University would have more than one professor, particularly in all the major

departments, it would be desirable that the headship in the departments should go by rotation amongst the professors. The term of the head of the department may be two to three years. Each department should have a small advisory committee consisting of the junior and senior teachers. This Committee should look into the development needs and facilities for staff and research needs. The committee should meet regularly and keep minutes of the meetings which may be submitted to the Vice-Chancellor. This would provide a sense of sharing of responsibility and participation in the life of the department. In this connection, we may quote the following extract from the Report of the Estimates Committee (1965-66)—Banaras Hindu University:

"The Committee feel that there is an urgent need for relieving the heads of departments of routine administrative work so that they can devote more time for the planning and direction of research and teaching".

Deans of faculties

4.33 In view of the suggestions made regarding appointment of heads of departments, we are not suggesting any change in the present system of appointment of deans by rotation from amongst the heads of the departments. However, where both the offices of the principals and deans of faculties exist, the powers, functions and duties of the deans in such cases may be clearly defined.

Delegation of powers

4.34 In the efficient working of the university, it is desirable that the provision of delegation of powers should not only be made in the case of the Vice-Chancellor, Rector, Registrar, or other administrative wings of the University, it is essential that there should also be delegation of powers to the teaching departments. Our intention is that not only also the relevant powers

be delegated to the heads of the departments, but the heads of the departments in their turn should further delegate such powers as are appropriate, to their colleagues in the department so that they are able to assist the head in the administration of the department. It should be understood that delegation of powers does not result in a divorce between powers and responsibilities. Both should do together.

Extension of service of teachers

4.35 Another cause which according to some witnesses leads to discontent amongst the teachers has been the procedure followed by the University in giving extension to teachers beyond the age of 60 years. We recommend that some guidelines should be drawn by the Executive Council in this regard so that extension of service would not seem arbitrary or dependent on extraneous considerations. In fact it would be a healthy practice if every case of a teacher nearing the age of retirement is placed before the Executive Council (say, a year in advance of the expected date of retirement), or preferably, before a committee of the Executive Council, and then put to the Executive Council with the recommendations of the committee.

4.36 Although there is an elaborate system of proctorial board and dean of student welfare and wardens in various hostels of the University, the arrangements for looking after the discipline of the students needs considerable planning and coordination. The duties, responsibilities and spheres of activities of these various agencies which look after the discipline and welfare of the student community should be coordinated and defined to avoid confusion and ambiguity.

4.37 The Chief Proctor as well as the other members of the Proctorial Board should be the senior teachers commanding the respect of the teaching as well as the student community and

should not be overloaded with other duties such as those of warden, etc. Senior students should also be associated with the Proctorial Board. There should be sufficient delegation of authority to the proctors and others so that they can deal with minor acts of indiscipline but in case the aggrieved party is not satisfied, an arrangement should be made for a court of appeal by an independent organization in which teachers as well as students should be represented. The Vice-Chancellor should act as a final court of appeal so that the students feel satisfied that they have had sufficient opportunity of their cases being reviewed within the University and they have not to resort to outside agencies, like court, for redress.

In this connection, we reproduce below the two important recommendations made in the Report of the Committee on Relations with Junior Members set up by the Oxford University under the chairmanship of Professor H.L.A. Hart:

1. A short clause should be included in the university statutes saying: "No junior member shall (i) engage in conduct likely to disrupt teaching or study or research or the administration of the university or to obstruct any officer or servant of the university in the performance of his duties";

(ii) "damage or deface any property of the university or of any college, or occupy or use the same otherwise than in accordance with the rules or other provision made therefor by the university or college authority concerned".
2. "Other disciplinary rules (apart from library and dress regulations and rules for conduct in examinations) should be made by a Rules Committee consisting of six Senior Members (comprising: one Proctor, who shall act as Chairman; two Proctors-elect; two college Deans elected by the Committee

of Deans; and one member of congregation appointed by the Hebdomadal Council) and six Junior Members (comprising: three appointed by the Student Representative Council from its members; two presidents of Junior Common Rooms elected by the Committee of J.C.R. Presidents; and one president of a Middle Common Room elected by the Conference of M.C.R. Presidents).”

We feel that the above recommendations could appropriately be adopted by the Banaras Hindu University with suitable modifications, taking into account the local needs and conditions.

Student participation

4.38 As regards student participation in the affairs of the University, there could be no question that they should have a measure of participation but what needs examination is the degree and level of such participation and how it is to be brought about and promoted. In what areas students should be invited to participate and what form that participation should take, are matters which need to be carefully considered, but in our opinion, one thing is clear that without a sense of participation, a sense of commitment to academic values will not be achieved. In dealing with this question, the level and degree of maturity of the students will have to be taken into account. In some areas, the students can be left to manage their own affairs and these areas would be those pertaining to extra-curricular activities which have become an essential part of modern education; for instance, such areas are covered by the management of hostels, running of youth welfare boards, and other cultural and physical activities. In some areas, their views may be ascertained and taken into account by decision-making authority, but in identifying these areas and determining the manner of participation of students, we must never forget that the main object of associating students with the university administration is to emphasise the academic significance of such

participation which would make education richer and more meaningful in every way; it is not intended to enable the students to introduce political overtones in university matters. In addition, all departments should set up Council of Students Affairs or Students Advisory Councils consisting of students and teachers. As we have just observed a committee appointed by the University Grants Commission will soon go into this question exhaustively and what the committee recommends will have relevance to what should be done in regard to the Banaras Hindu University.

Student union

4.39 In view of the existing position in the Banaras Hindu University, we feel that the University should continue to have a Union and the membership of the same should be obligatory. However, the student population is now too large for direct democracy to function and hence caste, regional, communal and other unacademic factors seem to have exercised an inordinate influence. It would, therefore, be desirable that a general council of about 60 to 80 members be elected on faculty basis. This council may elect office-bearers and the executive committee. A provision should also be made to co-opt some members on the general council who have special interest in the extra-curricular activities such as dramas, debates, photography and games etc. It would be of real value if the student unions issued annual reports describing their activities and achievements of the year. An audited statement of accounts should be issued every year. This is essential.

It is desirable that some qualifications are prescribed for the persons being eligible to be elected as office-bearers or the members of the General Council as suggested above. Many of the universities in India which have such unions or associations have prescribed such qualifications. We suggest that no person who passed the high school examination more than 8 years

earlier or a pre-university or equivalent examination more than 7 years earlier or who has taken more than one year in excess of the period prescribed for the course of which he is the student would be eligible to be a member of the Council or to be elected as an office-bearer. In this connection we may usefully quote some of the relevant recommendations made by the Education Commission. Said the Commission:

Student Unions

“Student unions represent an important way of providing student participation in university life outside the classroom. Properly organised, they help in self-government and self-discipline, provide a healthy outlet for students’ energies and give the students useful training in the use of democratic methods.”

It is for each university to decide how its students’ union will function and would welcome a good deal of experimentation. But some broad principles can be indicated.

- (1) Membership of the student unions should be automatic in the sense that every student should be presumed to be its member. But every student should be expected to choose at least one activity organized in the institution, e.g., arts society, football club, drama association, etc., and pay the required subscription. There should be no separate payment for the membership of the students’ union as such. Each of the activities will thus have funds of its own and these would be handled by appropriate committees. The funds of the central union—to the extent they are needed—would be formed by contributions from each activity committee. The university or college should also give aid to the central union as well as should also different activities.

- (2) It may be desirable to elect the office-bearers, not directly by the large body of students (many of whom are freshmen), but indirectly by the different students' societies in the university who would send selected representatives to the union executive.
- (3) There should be some disqualification for office-bearers. For instance, persons who have spent two or more years in the same class should be disqualified.
- (4) The successful working of student unions depends to a large extent upon the mutual trust and confidence between the teachers and the students. Greater teacher involvement in union activities should, therefore, be ensured. We would strongly commend the establishment of a university or college union in which all teachers and students automatically become members. All committees of the union and various activity groups should have teachers on them and it should be their responsibility to guide the students tactfully on right lines without curbing their freedom to decide for themselves".

Hostels

4.40 We regret that though a large number of hostels have been provided in the University, it does not have adequate amenities except in the case of the hostels constructed in the recent past. The present provision for dining and kitchen is far from satisfactory and needs considerable improvement. The size of the hostels is too large and would need reorganization on a smaller unit. At present the deans of faculties/principals are also the wardens of the hostels. We feel that the present system of allotting hostels either faculty-wise or college-wise is a very undesirable practice. The students of all the faculties should be mixed together and no hostel should be earmarked for a particular type of students. Of course, the University will

have to provide for separate hostel for women. Apart from meetings the problem of discipline, this gives the feeling of oneness to the students, inter-hange of academic ideas and it may also be a strong source of national integration, particularly when we are pressing that the University should maintain its all-India character. The present system of appointment of wardens desires to be looked into. There should be no ex-officio appointment to the post of wardens. Only suitable persons who have time and have a flair for administration and are interested in the welfare of the students should be appointed as wardens. The wardens should be provided with residential accommodation in the hostel itself. Similarly, it may be desirable to appoint prefects from the students in the hostels, who would look after the cultural and welfare activities. Management of the hostels should also be entrusted to the students as much as possible under the guidance of the wardens.

University Administration

4.41 We quote from the Estimates Committee Report (1965-66)—Banaras Hindu University: . . .

“The Committee have been told that since the Report of the Enquiry Committee the office of the Banaras Hindu University has been reorganized, in the light of the recommendations contained therein. They need hardly stress that since the organizational set-up of a university has to play a pivotal role in the smooth and efficient working of the University, the working of the administration should be kept under constant review so as to avoid recurrence of similar situation and to effect improvements as and when necessary”.

We regret to say that from our experience and the statement made by the Vice-Chancellor, we have no doubt that working of the administration is not what it should be, and we

recommend that an expert committee should review this and suggest measures to streamline the office administration. In this connection we would like to cite the following view expressed by the Vice-Chancellor:

“An office in Banaras Hindu University that needs immediate attention is that of the Registrar. It is in a state of confusion. Not only there is indiscipline but also a great deal of inefficiency. Even the Vice-Chancellor has found it difficult to get files and several reminders have to be issued. Files are often incomplete and records have been found to be missing. Instances have also come to the notice of the Vice-Chancellor and the Executive Council of the mutilation of files. The rules of promotion of the ministerial staff have been changed repeatedly. So there is a great deal of discontent in the office. It is necessary to take promptly some effective steps to bring the University office into proper shape. Many students’ agitations spring from the office delays and inefficiency.”

RSS building

4.42 There is another point which remains to be considered and that is in regard to a two-room building which is allowed to be used by the RSS ever since Malaviyaji’s time. When Malaviyaji gave permission to the RSS to use this building, it was not surrounded by any University buildings. But after the new building of the Law Faculty was constructed, the situation has completely altered. As it stands in front of the new building of the Law Faculty, it looks entirely out of place. That is one important factor which must be considered in dealing with the question as to whether the RSS should be allowed to use this building in future. From a purely aesthetic and architectural point of view, this building needs to be demolished.

It is, however, true that except during the period in 1948 when it was declared an illegal organisation, ever since 1941 RSS has been allowed to use this building and that too with the permission of Malaviyaji. RSS attaches sentimental importance to the facility given to them by Malaviyaji. But the continuance of the use of the building by RSS raises one important question as to whether an outside institution, though it may be cultural, should be allowed to have a building on the University campus. Whether or not RSS is a purely cultural association at present, is a question on which we wish to express no opinion. But even on the basis that RSS is a cultural association, if it is allowed to use a building on the University campus, a similar claim made by other cultural associations cannot be resisted. When we put this aspect of the matter to the officer-bearers of RSS at Varanasi, they fairly conceded the strength of the above argument.

It was, however, urged on their behalf that having regard to the long association of RSS with the building in question, some other plot should be allotted to them where they would be able to construct a building for their use. But even this request does not meet the main objection that allowing one association to have a building on the University campus would inevitably lead to similar claims by similar cultural organizations. On principle, we are inclined to take the view that on the University campus no outside organization should be allowed to have a building of its own. Considered from this point of view, it seems to us somewhat inappropriate that RSS should be allowed to hold its Shakha meetings on the campus of the University and use the building in relation to the said activities. We wish that the University would soon take action in the matter so as to avoid any controversy in future.

An appeal to political parties

4.43 The question as to whether university students should take part in politics or not has agitated the minds of educationists all over the country for some years past. No one can,

seriously dispute the fact that university students many of whom are voters are entitled to study social, political, economic issues and form opinions of their own. No one can dispute that in this process as a part of extra-curricular activity, all views whether social, political or economic should be allowed to be expressed before the students and should form the subject-matter of debates in the University Students' Union from time to time. In fact, it is desirable that teachers and students themselves should discuss all current social, political and economic issues without any fear or inhibitions. Indeed, fear of ideas is completely foreign to the spirit of inquiry which inspires all academic work on a university campus. But it is necessary to bear in mind that to be informed about all ideas pertaining to several issues is not the same thing as to be actively involved in them. At present, different political parties owing allegiance to different political philosophies are struggling for supremacy and to get political power by democratic means; that no doubt is a legitimate part of the democratic way of life. Therefore, agitations and protests are bound to find a place in the public life of our country; but where agitations and protests are started in support of partisan political causes, the University students should not be involved in them. We would, therefore, earnestly appeal to all the political parties not to induce the students to take part in partisan political agitations, whilst they are continuing their studies on the University campus. We trust that all political parties will recognise the validity of the view that non-involvement of students in partisan political causes will be in the interest of higher education in our country and ultimately in the interest of the country as a whole.

We would like to recommend that students should avoid enrolling themselves as active members of the political parties whilst they are studying on the University campus. If a student becomes an active member of any political party, he may often have to face conflict of loyalties, his loyalty to the political party to which he belongs may not always be reconciled with his loyalty to the University to which he belongs. We therefore

feel that students who are entitled to play their legitimate part in the affairs of the University should not be actively associated with the day-to-day work of the political parties.

What we say about the students applies in equal force to the teachers. In fact, if teachers become active members of political parties and introduce political philosophies of their respective parties while teaching in the class room or even outside, that may introduce an element of indoctrination which is bound to lead to conflict and disharmony and that in turn would disturb the peace of the University.

It would be noticed that throughout our report, we have refrained from commenting on any political party as such and we have confined our inquiry only to the question as to what were the causes that led to the recent unrest and agitation on the University campus. For reasons which we have already set out in describing our approach (we do not propose to pronounce any verdict as to whether any political party or parties was or were concerned with any of the major incidents what in our view led to the recent unrest and agitation in the University campus. That is a matter which we have thought is outside the purview of our inquiry.

Entry to campus

4.44 Even though the campus of the Banaras Hindu University is one of the very few compact campuses in India, it appears that the University has not been able to control the flow of visitors to the University. The main reason for this is the location of the temple in the campus and also the provision of a service hospital. We understand that with the extension of the hospital which the University now proposes to undertake, the entry to the hospital could be so arranged as to avoid the use of the main gate. Similarly, the University should explore the possibility of providing separate entrance to the temple which we understand is possible. If this is done, it should be possible to have effective control on the entry of the persons to the University campus.

Central Universities—UGC—Government of India relations

4.45 The President of India, as the Visitor of the Banaras Hindu University exercises his powers on the advice of the Union Minister of Education. We feel that since with the setting up of the University Grants Commission under an Act of Parliament, the responsibility for the coordination and maintenance of standards of higher education has been vested in it, and it is also the responsibility of the Commission to determine the maintenance grants of the Central Universities, a convention may be developed that where the Visitor exercises his powers under the relevant provision of the Acts of the Central Universities, the advice of the University Grants Commission should be obtained by the Minister before advising the Visitor.

Procedure for the consideration of the report : a suggestion

4.46 There is one more point to which we wish to refer, though not without reluctance. Section 5(4) of the Act provides that "The Visitor may address the Vice-Chancellor with reference to the result of such inspection and inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon." This shows that after our report is received by the Visitor, he will have it examined and decide what advice should be given to the University as a result of the recommendations made by us in our report. The views which the Visitor may form in respect of this advice are required to be communicated to the Vice-Chancellor, by section 5(4). Section 5(5) deals with the next stage. It provides: "The Executive Council shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry." This sub-section means that the Executive council in substance accepts the advice of the Visitor and communicates to the Visitor that the advice is being given effect to. Section 5(6) deals with a case where the Executive Council does not

wish to give effect to the Visitor's advice and wants to give an explanation in support of its attitude. It provides: "Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions." Having regard to the fact that we are recommending, as an interim measure, the abolition of some of the bodies entrusted with the task of administering the University affairs, it would, we think, be inappropriate to give to the Executive Council an opportunity under section 5(6) to say why this recommendation should not be accepted.

It is obvious that our recommendations will have to be examined by the Visitor before he reaches any conclusion as to which of them, if any, should be given effect to. But we venture to suggest to the Visitor to consider whether, having regard to the fact that as an interim measure we are recommending the abolition of the relevant bodies of the University, including the Executive Council, it would be expedient or reasonable to give the said Executive Council an opportunity to offer an explanation why our recommendation for its abolition should not be implemented. We would also suggest that the Visitor should have this recommendation fully examined and, if he comes to the conclusion that it should be implemented, he should ask the Union Government to implement it without reference to the present Executive Council. We ought to add that if the Visitor is pleased to adopt this course, he may take such steps as he deems reasonable and fair to consult the new nominated Executive Council in regard to the other recommendations we have made about the future set-up of the University, both in the academic and administrative spheres. We may incidentally mention that a similar request was made by the Mudaliar Committee to the Visitor in its report.

4.47 Before we conclude, we would like to say that in making our recommendations for remedying the situation, we have

borne in mind the spirit of idealism which inspired Malaviyaji in founding this institution. In this connection, we would also like to emphasise what we have discussed before that the Central Universities have to play a significant role in helping the development of higher education in the country and in that behalf, they have to strike a path which may be different from the path which the State Universities would normally take. We are keen, as were indeed all the witnesses who appeared before us, that the all-India character of this institution should become a reality; and towards this end every effort should be made. Our recommendations have been based primarily on this consideration. With a magnificent campus and a glorious past, this institution must, we think, take a place of pride in the academic world of India in course of time. It is unfortunate that it has had to face periods of crisis in the past. But we feel confident that the spirit of its great founder, whom all of us proudly and justly called "Mahamana Malaviya" will guide its destinies in future. We have tried to consider the evidence and judge the merits of respective points dispassionately, objectively and fairly and have made our recommendations in the confident hope that, if they are implemented, the object of the Visitor in appointing the committee may be served.

P. B. Gajendragadkar
Chairman

R. K. Chhabra
Secretary
July 10, 1969

V. S. Desai
S. K. Bose
R. C. Mehrotra

ANNEXURE I
BANARAS HINDU UNIVERSITY INQUIRY
COMMITTEE

NOTICE

In exercise of the powers conferred by sub-section (2) of section 5 of the Banaras Hindu University Act, the President of India, in his capacity as Visitor of the University, has appointed a Committee of Inquiry consisting of :

Dr. P. B. Gajendragadkar Vice-Chancellor Bombay University.	..	<i>Chairman</i>
Mr. Justice V. S. Desai Judge Bombay High Court.	..	<i>Member</i>
Professor S. K. Bose Chairman Inter-University Board of India & Director, I.I.T., Bombay.	..	<i>Member</i>
Professor R. C. Mehrotra Vice-Chancellor Rajasthan University.	..	<i>Member</i>
Shri R. K. Chhabra Joint Secretary University Grants Commission.	..	<i>Secretary</i>

The terms of reference of the Committee are as under :

“To inquire into the recent state of unrest and agitation in the University and to make such recommendations as may be considered necessary or expedient for remedying

the situation and for improving the general tone of discipline and law and order in the University.”

The Committee invites memoranda on the subject, or any aspect of it, covered by the terms of reference of the Committee from members of the Banaras Hindu University (members of its various bodies, teachers, students and non-teaching staff), members of other universities, educationists and other persons, associations, institutions, societies, and would be grateful if those intending to send memoranda would communicate their desire to do so as early as possible. All memoranda should reach the Secretary of the Committee on or before 28th February 1969.

R. K. CHHABRA

Secretary

Banaras Hindu University Inquiry Committee
University Grants Commission Building
Bahadur Shah Zafar Marg
New Delhi-1.

List of newspapers in which the notice was published

1. Patriot, Delhi
2. National Herald, Delhi/Lucknow
3. Hindustan Times, Delhi
4. Times of India, Delhi
5. Statesman, Delhi
6. Indian Express, Delhi
7. Indian Nation, Patna
8. Amrita Bazar Patrika, Calcutta/NIP Allahabad
9. Free Press Journal, Bombay

10. Mail, Madras
11. Deccan Chronicle, Secunderabad
12. Deccan Herald, Bangalore
13. Assam Tribune, Gauhati
14. Tribune, Ambala
15. Hitavada, Nagpur/Bhopal
16. Western Times, Ahmedabad
17. Yugprabhat, Kozhikode
18. Hindustan, Delhi
19. Bharat, Allahabad
20. Swatantra Bharat, Lucknow
21. Vishwamitra, Calcutta/Bombay/Patna/Kanpur
22. Aj, Varanasi
23. Sanmarg, Calcutta
24. Gandiva, Varanasi
25. Sanmarg, Varanasi
26. Amar Ujala, Agra
27. Jagran, Jhansi
28. Rajasthan Patrika, Jaipur
29. Rashtradoot, Jaipur
30. Vir Pratap, Jullundur
31. Hindi Milap, Jullundur
32. Nav Bharat, Nagpur/Jabalpur/Indore/Bhopal/Raipur
33. Jabalpur Samachar, Jabalpur

ANNEXURE II

LIST OF PERSONS WHO WERE INTERVIEWED BY THE BANARAS HINDU UNIVERSITY INQUIRY COMMITTEE

At Varanasi

April 4, 1969

1. Dr. T. R. Anantharaman, Professor and Head of the Department of Metallurgy, Institute of Technology, Banaras Hindu University, and Convener of ACHARYAKUL (Fraternity of Teachers), Banaras Hindu University, Varanasi-5.
2. Dr. V. Nath, Department of Pharmacology, College of Medical Sciences, Banaras Hindu University, Varanasi-5.

April 5, 1969

3. Dr. Rohit Mehta
Professor Sugata Dasgupta
Sri Radhakrishna
Sri Banshidhar Shrivastava } Member of the Citizens'
} Committee, Rajghat,
} Varanasi-1.
4. Dr. Rai Govind Chandra, Kushasthali, Varanasi Cantt.
5. Dr. G. S. Lavania, Reader in Agricultural Economics, Faculty of Agriculture, Banaras Hindu University, Varanasi-5.
6. Professor Brij Mohan, Retired Principal, Central Hindu College, Nand Nagar, Varanasi-5.
7. Shri Shyam Mohan Agarwal, Mayor of Varanasi, Varanasi.
8. Dr. Anithottam Thomas, Lecturer, Department of Political Science, Banaras Hindu University, Varanasi.

9. Dr. K. K. Sinha, Reader in Archaeology, Department of Ancient Indian History, Culture & Archaeology, Banaras Hindu University, Varanasi.
10. Dr. Anandeshwar Prasad Narain Singh, Member, BHU Court, 50-A, New Colony, Bhelupur, Varanasi-5.

April 6, 1969

11. Shri N. P. Sinha
12. *Shri D. Majumdar
13. Dr. R. L. Singh, Professor of Geography, Department of Geography, Banaras Hindu University, Varanasi-5.
14. Shri Ravi Shankar Singh
Shri Dipak Malik
Shri Phool Chand Yadav
Shri Surendra Pratap Singh
Shri Ram Bachan Pandey
Shri Harsh Vardhan
15. Dr. A. G. Sathyanesan, Department of Zoology, G/13, Beyond Ladies Colony, Banaras Hindu University, Varanasi-5.

&

Dr. (Mrs.) K. Chandrasekker, G/1 De Quarters, Banaras Hindu University, Varanasi.

16. Mrs. N. Rajam, Lecturer in Violin, College of Music & Fine Arts, Banaras Hindu University, Varanasi-5.
17. Dr. R. P. Dhokalia, Reader, Faculty of Law, Banaras Hindu University, Varanasi-5.

April 7, 1969

18. Dr. V. S. Dubey, Member, BHU Court, Magadh Bhawan, Lanka, Varanasi.

*Also interviewed on April 8, 1969.

19. Shri S. P. Tripathi, Public Relations Officer, Banaras Hindu University, E/8, Old BHU Campus, Varanasi-5.
20. Shri Jyoti Bhushan Gupta, Member, Executive Council, Banaras Hindu University, "Azamatgarh Palace", Varanasi.
21. Shri K. D. Tewari, President, BHU Old Students' Association, Member of Court and Executive Council, BHU, Varanasi.
Shri G. P. Singh, Secretary, BHU Old Students' Association, Varanasi.
22. Shri Raj Kumar, Secretary, Parent-Teachers' Association, Varanasi.
C/o Editor "Agaya", Banaras Press, Bulanala, Varanasi.
23. Shri Moti Singh, Vice-President }
Shri Shiv Pujan Singh, Assistant } Karamchari Sangh,
Secretary. } Banaras Hindu
Shri Jamwant, Treasurer } University, Varanasi.
24. Shri Vir Bahadur Singh, Suspended Supervisor, Vishwanath Mandir, Banaras Hindu University, Varanasi.
25. Shri Gulab Nand Pandeya, Ex-Principal, Central Hindu School, Ashapur, Post Sarnath, District Varanasi.
26. Dr. S. K. Srivastava, Malaviya Professor of Sociology and Head of the Department of Sociology, Banaras Hindu University, Varanasi.

April 8, 1969

27. Shri G. N. Upadhyaya, Advocate, Vibha Niwas, CK 63/68 B. North Benia Park, Varanasi-1.
28. *Shri Girinder Nath Sharma, Member, BHU Court, 7/287, Chetaganj, Varanasi.
29. Shri Kiran Nath Sharma, Advocate, Convener, Youth Congress, Varanasi.

*Also interviewed on April 25, 1969.

30. Shri Baij Nath Rai. Student, LL.B., 1st Semester, Banaras Hindu University, Varanasi.
31. Shri Mrityunjoy Prasad Sinha, Ex-student, Library Science, Banaras Hindu University, C4/232, Sarai Govardhan, Varanasi.
32. Shri Nagendra Singh, Student, M.A. History, Birla Hostel, Room No. 13-A, Varanasi.
33. Shri Krishna Nath, Chief Secretary, Akhil Bharatiya Angrezi Hatao Sammelan, Vidyapith Road, Varanasi.
34. Shri Umesh Chandra Gupta, Student, 93-Vishwakarma Hostel, Banaras Hindu University, Varanasi.
35. Shri Mahendra Pratap Singh, Convener, Youth Congress, Law College, Banaras Hindu University, Varanasi.
36. Shri D. N. Tiwari, Clerk, Information & Public Relations Office, Banaras Hindu University, Varanasi.
37. Shri Rabindra Pratap Singh, 1st Year Degree Student (Com.), Music and Art Faculty, College of Music and Art, Banaras Hindu University, Varanasi.

April 9, 1969

- | | | |
|---|---|---|
| 38. Dr. A. K. Narain, President | } | Teachers' Association,
Banaras
Hindu University,
Varanasi. |
| Shri S. N. Singh, General Secretary | | |
| Dr. J. S. Mathur, Secretary | | |
| Dr. S. K. R. Bhandari, Representative of Professors | | |
| Dr. R. P. Dhakolia, Representative of Readers | | |
| Dr. B. L. Garg, Representative of Lecturers | } | |
| 39. Prof. R. Misra, Professor & Head of the Department of Botany, Banaras Hindu University, Varanasi. | | |

40. Prof. V. P. Upadhyaya, Retired UGC Professor, G/24 (Behind the Central School), Banaras Hindu University, Varanasi.
41. Shri Shankar Prasad Kaushik, Clerk, Administration Section, Registrar's Office, Banaras Hindu University, Varanasi.
42. Shri K. C. Goravala, Member, BHU Court, Kashi Vidya-pith, Varanasi-2.
43. Shri Om Prakash Narayan Upadhyaya, Student, M.A. (Final Year) Hindi, Banaras Hindu University, Varanasi.
44. Shri Surendra Singh, Student, Broacha Hostel, Banaras Hindu University, Varanasi.
45. Shri Om Prakash Sharma, Student, B.A. (2nd Year), 239 Birla Hostel, Banaras Hindu University, Varanasi.
46. Shri Govind Ram, Student, PUC (Science), Banaras Hindu University, Varanasi.
47. Shri Gorakh Prasad Pandey, Student, B.A. (3rd Year), Banaras Hindu University, Varanasi.
48. Shri Bipin Bihari Chaturvedi, Student, M.A. (Final), Political Science, Banaras Hindu University, Varanasi.
49. Shri Chandrika Prasad Pathak, Student, LL.B. Second Semester, Banaras Hindu University, Varanasi.
50. Shri Damodar Singh, Student, Law, 1st Semester, Banaras Hindu University, Varanasi.

April 10, 1969

51. Shri Nand Kishore Dubey, Vice-President, Karamchari Sangh, Banaras Hindu University, Varanasi.
52. Dr. P. K. Bannerjee
 Dr. S. P. Pathak
 Shri Raj B. Tewari
 Dr. S. Tatwadi

} On behalf of the
 } Local Branch of
 } RSS, Varanasi.

53. Shri Tarashankar Singh, Assistant Secretary Shri Ramji Singh } Non-teaching Employees Association, Banaras Hindu University, Varanasi.
54. Shri R. Y. Roy } Botany Department, Banaras Hindu University, Varanasi.
Shri K. C. Misra }
55. Shri Raj Kishore, Secretary, Varanasi District Council, Communist Party of India, Gadolia, Varanasi.
56. Shri Kunal Prasad Ghosh, Student, M.Sc. (Prev.) Physics, Banaras Hindu University, Varanasi.
57. Shri S. K. Kapooria, Student, 5th Year Technology, Institute of Technology, Banaras Hindu University, Varanasi.
58. Shri Markandey Singh, Secretary, Students' Welfare Centre, Banaras Hindu University, Varanasi.
59. Prof. K. S. Kulkarni, Dean, Faculty of Music and Fine Arts, Banaras Hindu University, Varanasi.
60. Shri Rajendra Singh, RSS Provincial Incharge, Keshav Bhawan, Model Houses, Lucknow.
61. Dr. Vishwanath Shastri, Dean, Faculty of Oriental Learning and Theology, Banaras Hindu University, Varanasi.
62. Dr. Ganesh Prashad, Reader, Political Science Department, Banaras Hindu University, Varanasi.
63. Shri Kedar Dutt Joshi, Reader in Astrology (Mathematics), Sanskrit Vishwavidyalaya, Banaras Hindu University, Varanasi.
64. Dr. Kashi Nath Singh, Reader, Department of Geography, Banaras Hindu University, Varanasi.

- 65. Shri Lallan Prasad Roy, Student, Birla Hostel, Banaras Hindu University, Varanasi.
- 66. Dr. C. J. Dominic, Reader in Zoology, Banaras Hindu University, Varanasi.
- 67. Dr. R. M. Singh, Medical Officer, BHU Dispensary, Old G-7, Jodhpur Colony, Banaras Hindu University, Varanasi.
- 68. Shri Hari Charan Sharma, Student, New Commerce Hostel, Banaras Hindu University, Varanasi.
- 69. Shri Vir Bharat Talwar Student, M.A., (Prev.) Hindi, Banaras Hindu University, Varanasi.

April 11, 1969

- 70. Dr. P. J. Deshpande,
Chief Proctor
*Dr. V. D. Shukla, formerly Acting
Chief Proctor
**Dr. Lal Mani Misra, Assistant
Proctor
Dr. D. P. N. Singh, Warden,
Birla Hostel,
- } Banaras Hindu
University,
Varanasi.
- 71. **Mr. Randhir Singh, Proctor, Banaras Hindu University,
Varanasi.
- 72. Dr. R. B. Singh, Warden, Brocha Hostel, Banaras Hindu
University, Varanasi.
- 73. Dr. Hazari Prasad Dwivedi, Rector, Banaras Hindu Uni-
versity, Varanasi.
- 74. Dr. K. N. Udupa, Principal, College of Medical Sciences,
Banaras Hindu University, Varanasi.
- 75. Shri Shiv Dhani Singh, Manager, Vishwanathji Temple,
Banaras Hindu University, Varanasi.
- 76. **Shri P. N. Kaula, Librarian, Banaras Hindu University,
Varanasi.

*Also interviewed on April 24, 1969.

**Also interviewed on April 26, 1969.

77. Prof. M. M. Sinha, Head of the Department of Psychology, Banaras Hindu University, Varanasi.
78. Shri J. N. Singh, Retired Assistant Workshop Superintendent, Engineering College, Banaras Hindu University, Varanasi.
79. Shri Yadunath Singh, Student, Chemical Engineering, Banaras Hindu University, Varanasi.

April 24, 1969

80. *Shri R. B. Saksena, District Magistrate, Varanasi.
Shri G. C. Jain, A.D.M., Varanasi.
Shri I. V. Tyagi, City Magistrate, Varanasi.
81. *Shri Radhe Shyam Sharma, Senior Superintendent of Police, Varanasi.
Dr. G. K. Shukla, Dy. Superintendent of Police, Varanasi.
**Shri M. P. Agnihotri, Dy. Superintendent of Police, Varanasi.
**Shri R. C. Dixit, Inspector, Incharge Bhelupur Police Station, Varanasi.
82. Professor K. V. Rao, Head of the Department of Political Science, and Member, BHU Academic Council, Varanasi.
83. Professor Hira Lal Singh, Head of the Department of History, and Member BHU Academic Council, Varanasi.
84. Dr. A. K. Agrawala, Reader in Chemical Engineering, F/10 Hyderabad Colony, Banaras Hindu University, Varanasi.
85. Shri B. Lahiri, Lecturer, Chemistry Department and Member, BHU Academic Council, Varanasi.

*Also interviewed on April 25, 1969.

*Also interviewed on April 26, 1969.

April 25, 1969

86. Dr. S. S. Saluja, Dean, Engineering Faculty, and Member, BHU Executive Council, Varanasi.
87. Shri Raj Kumar Shah, Member, BHU Executive Council, Pisach Mochan, Varanasi.
88. Principal Hridya Narain Singh, Tilakdhari College, and Member, BHU Executive Council, Varanasi.
89. Principal Krishnanand, DAV College and Member, BHU Executive Council, Varanasi.
90. Dr. N. K. Devaraj, Dean, Faculty of Arts, and Member, BHU Executive Council, Varanasi.
91. Shri O. P. Tandon, Deputy Registrar (Academic), Banaras Hindu University, Varanasi.
92. Dr. (Miss) S. Varshney, Principal, Women's College, and Member, BHU Executive Council, Varanasi.
93. Shri Mohan Sinha Mehta, Member, BHU Executive Council, Seva Mandir, Udaipur.
94. Shri Udai Saroj Shah, Member, BHU Court, "Shamarama", Durgakund, Varanasi.

April 26, 1969

95. Dr. V. V. Chalam, Head of the Department of Electrical Engineering, and Member, BHU Academic Council, Varanasi.
96. Shri B. V. Suryanarayana, Head of the Department of Indian Languages, and Member, BHU Academic Council, Varanasi.
97. Dr. M. B. Gautam, Head of the Department of Vocal Music and Member, BHU Academic Council, Varanasi.
98. Shri Ajit Chakravarty, Acting Head of the Department of Sculpture, and Member, BHU Academic Council, Varanasi.

99. Shri Mahmood Rajbee, Reference Assistant (under suspension), Central Library, Banaras Hindu University, Varanasi.
100. Shri R. L. Sondhi, University Grants Commission, New Delhi-1.
101. Shri Rustam Satin, D 47/211, Ramapura, Varanasi.
102. Shri Soma Skandan, Deputy Registrar (Administration), Banaras Hindu University, Varanasi.
103. Shri D. N. Mishra, Assistant Sub-Inspector of Police, Varanasi.
104. Pt. Nirikshan Pati Mishra, Member, BHU Academic Council, Varanasi.
105. Shri B. D. Sharma, Clerk, Registrar's Office, Banaras Hindu University, Varanasi.
106. Shri S. L. Dhar, former Registrar, Banaras Hindu University, Varanasi.
107. Prof. S. Nurul Hassan, M.P. and Member, BHU Executive Council, Varanasi.
108. Dr. Ramdhar Mishra, Ex-Chairman, U.P. Public Service Commission, Near Basanta College, Varanasi.
109. Dr. K. N. Lal, Registrar, Banaras Hindu University, Varanasi.
110. Dr. A. S. Raturi, Dean of Students, Banaras Hindu University, Varanasi.

April 27, 1969

111. Professor B. S. Vyas, Acting Head of the Department of Hindi, and Member, BHU Academic Council, Varanasi.
112. Mr. Jayanta Kumar Chakravarti, Lecturer, History of Art, Faculty of Music & Fine Arts, Banaras Hindu University, Varanasi.

113. Shri Parshuram Singh, 5th Year Electrical Engineering Student, Banaras Hindu University, Varanasi.
 114. Dr. M. S. Pasricha, Warden, Ramakrishna Hostel, Banaras Hindu University, Varanasi.
 115. Dr. P. Tiwari, Administrative Warden, Gurtu Hostel, Banaras Hindu University, Varanasi.
 116. Dr. Gopal Tripathi, Director, Institute of Technology, Banaras Hindu University, Varanasi.
 117. Shri Akshaibar Lal, Member, BHU Court, Varanasi.
- At New Delhi**

May 12, 1969

118. Major Chandra Bal, Member, BHU Court, 47/1 Mufti-wara Meerut City.
119. Pt. H. N. Kunzru, Sapru House, New Delhi-1.
120. Dr. A. R. Verma, Director, National Physical Laboratory, and Member, BHU Academic Council, New Delhi.
121. Shri B. M. Mathur, Correspondent, Hindustan Times, Jagdish Building, Hazratganj, Lucknow.
122. Shri Siddheswar Prasad, Dy. Minister in the Ministry of Irrigation & Power, and Member, BHU Court, New Delhi.
123. Dr. T. N. Singh, M.P., 16 Ashoka Road, New Delhi-1.

May 13, 1969

124. Shri Sant Bux Singh, M.P. & Member, BHU Court, New Delhi.
125. Shri K. G. Saiyidain, Member, BHU Court, D 11/9, Pandara Road, New Delhi.
126. Professor A. B. Lal, Vice-Chancellor, Allahabad University, and Member, BHU Academic Council, Allahabad.

127. Shri Satya Narayan Singh, M.P. and Member, BHU Court, 57 North Avenue, New Delhi 1.

128. Shri Raj Narain, M.P. and Member, BHU Court, 95, South Avenue, New Delhi.

May 14, 1969

129. Dr. A. C. Joshi, Vice-Chancellor, Banaras Hindu University, Varanasi.

130. Shri Sookamal Ghosh, Member, BHU Court, 14 Ananda Chatterji Lane, Calcutta-3.

131. Lady Ranu Mookerjee, Member, BHU Court, 7 Harrington Street, Calcutta-16.

May 15, 1969

132. Dr. Triguna Sen, Union Minister for Petroleum & Chemicals, New Delhi.

133. Dr. V. S. Jha, Ex-Vice-Chancellor, Banaras Hindu University, E-1 Jhandewalan Extension, Rani Jhansi Road, New Delhi 55.

134. Dr. B. N. Ganguli, Vice-Chancellor, Delhi University, Delhi.

135. Dr. Amrik Singh, Secretary, Inter-University Board of India, New Delhi.

136. Dr. P. K. Kelkar, Director, Indian Institute of Technology, and Member, BHU Court, Kanpur.

137. Shri M. P. Shukla, M.P. and Member, BHU Court, 220 North Avenue, New Delhi 1.

ANNEXURE III

LIST OF EMINENT PERSONS WITH WHOM THE BANARAS HINDU UNIVERSITY INQUIRY COM- MITTEE HELD INFORMAL DISCUSSIONS

At Varanasi

April 11, 1969

1. Dr. Vibhuti Narain Singh, Chancellor, Banaras Hindu University, Varanasi.

At Bombay

May, 18, 1969

2. Shri Achyut Patwardhan, 10 Main Road, Whitefield, Bangalore Dist.

May 19, 1969

3. Shri N. H. Bhagwati, Retired Judge, Supreme Court, and Ex-Vice-Chancellor, Banaras Hindu University, Chaupatty, Bombay 7.
4. Professor A. R. Wadia, 'Kalpana', 96 Marine Drive, Bombay 2.

ANNEXURE IV

VICE-CHANCELLOR BANARAS HINDU UNIVERSITY
VARANASI-5

D.O. No. VC|1-81|1352

May 9, 1969.

My dear Dr. Gajendragadkar,

As decided on telephone on the 27th of April, 1969, I shall meet the Inquiry Committee in Delhi on the 14th of May, 1969, at 9 A.M. On this occasion, I shall represent the University under Section 5(3) of the Banaras Hindu University Act in accordance with the decision of the Executive Council. I would, however, like Prof. Anandjee to be present also so that he knows the discussion that may take place between me and the Inquiry Committee. I hope you have no objection to this.

While in Delhi, I shall be staying at the India International Centre from the morning of 13th of May.

With kind regards,

Yours very sincerely,
Sd./- (A. C. Joshi),

Dr. P. B. Gajendragadkar
Chairman
BHU Inquiry Committee
UGC Building
Bahadur Shah Zafar Marg
New Delhi

ANNEXURE V

DR. P. B. GAJENDRAGADKAR

INDIA INTERNATIONAL CENTRE
40 LODI ESTATE
NEW DELHI-3

12th May 1969

My dear Dr. Joshi :

Please refer to your D.O. No. VC/1-81/1352 of the 9th instant which has been received by me today.

I fail to understand what you mean when you say that at the time you meet the Committee on the 14th instant at 9.00 a.m. you will represent the University under section 5(3) of the Banaras Hindu University Act. You are aware that when you meet the Committee on the 14th instant, the Committee wishes to record your evidence on the relevant points. That being so, you may consider whether, while giving such evidence, you would like the Committee to treat you as the representative of the University under section 5(3).

In this connection, I would invite your attention to the letter which you addressed to Mr. Chhabra on the 4th April 1969, in which you had intimated that you were nominating Dr. Anandjee as the representative of the University under section 5(3) of the Banaras Hindu University Act and that Dr. Anandjee will attend the "meetings" of the Inquiry Committee in that capacity.

Incidentally, I would like to invite your attention to the letter No. BHI/IC/Inf./14, which Mr. Chhabra wrote to you on the

3rd instant. In that letter Mr. Chhabra had mentioned certain points on which the Committee desired to receive information from the University. So far no reply has been received from you to the said letter, nor has the information called for therein been received.

With kind regards,

Yours sincerely,

Sd./-

P. B. Gajendragadkar

Dr. A. C. Joshi
Vice-Chancellor
Banaras Hindu University
Varanasi 5

ANNEXURE VI

Bombay-32
15th January, 1969

My dear Minister,

The Banaras Hindu University Inquiry Committee held its first session at Bombay on Sunday, the 12th instant. At this session, the Committee provisionally fixed its programme and time-table for the Inquiry entrusted to it.

On reading the terms of reference, the Committee decided that it will not only be open to the Committee but would be its duty to consider all facts and matters which, in the opinion of the Committee, are relevant for inquiring into the recent state of unrest and agitation in the University and for making suitable recommendations for remedying the situation and for improving the general tone of discipline and law and order in the University. Although the Committee will be anxious not to make its inquiry unduly comprehensive, it will not, at the same time, shut out any facts or matters which in its opinion are relevant.

As you are aware, when committees or commissions of inquiry are appointed by Government either at the Centre or in the States under specific terms of reference, it is for the committees or commissions concerned to interpret the said terms, determine the scope of their inquiry and decide the method and manner in which their inquiry would be conducted.

When at its first session the Committee considered the scope of its inquiry under its terms of reference, it was brought to the notice of the Committee that you had made a statement in the Rajya Sabha in regard to the scope of the inquiry entrusted to the Committee (vide Hindustan Times, December 24, 1968).

The report shows that in reply to a question put to you by Mr. S. S. Bhandari you stated that the Committee would not inquire into the conduct of the Vice-Chancellor (of the Banaras Hindu University). From this report it is not easy to understand precisely what the nature of the question was and what your answer was intended to convey. If what was intended to be conveyed by your answer was that in terms the Committee is not specifically called upon to consider the conduct of the Vice-Chancellor, it may be another matter. But the said statement is likely to create an impression that any question about the conduct of the Vice-Chancellor would be irrelevant even though it may, in the opinion of the Committee, be related to the subject-matter of its inquiry. That is why the Committee has authorised me to write this letter to you to seek for clarification from you on this point.

I hope you agree with the view that the Committee has taken about the scope of its inquiry. The Committee is clearly of the opinion that if any allegations are made about any act or omission on the part of the Vice-Chancellor and the Committee feels satisfied that such allegations are relevant to the inquiry entrusted to it, the Committee will admit evidence about such allegations and test them in the ordinary way. In that case, the Committee will also like to meet the Vice-Chancellor and seek for his explanation. If in the course of his explanation the Vice-Chancellor makes any allegations in respect of the conduct of any person, that explanation also will have to be examined and, if necessary, persons in regard to whom the Vice-Chancellor may make allegations may have to be examined. In other words, all facts and matters which are related to the subject-matter of the inquiry covered by the terms of reference will be examined without any constraint. I will thank you if you confirm that you agree with this view of the Committee.

Let me add that the Committee has decided to hold the inquiry in camera and as its Chairman I will take all possible care to see that the proceedings before the committee are conducted with due decorum and restraint.

The Committee has decided to call for memoranda from all persons interested in the inquiry on or before the 28th February 1969. Thereafter the memoranda will be translated into English and collated. That may take more than three weeks of March. As at present proposed, the Committee would visit Banaras in April and take oral evidence from such of the persons whom the Committee may decide to call as witnesses. The Committee may also meet informally eminent educationists and men from public life, who, in the opinion of the Committee, may be able to assist the Committee. I expect this process might take us almost to the middle of May. In the event the report would be submitted to the Government sometime in June.

* * * *

May I request you to send an early reply to my present letter?
with kind regards,

Yours sincerely,

Sd/-

P. B. Gajendragadkar

Dr. Triguna Sen
Minister of Education
Government of India
New Delhi

ANNEXURE VII

F-14/69-Ed.

EDUCATION MINISTER
INDIA

New Delhi

January 21, 1969

Dear Dr. Gajendragadkar,

Please refer to your letter of the 15th January, 1969 regarding the BHU Inquiry Committee.

I agree with you that it is for the Committee to interpret the terms of reference, determine the scope of their inquiry and decide the method and manner in which the inquiry would be conducted. The terms of reference of the Committee are quite clearly stated in the Order passed by the Visitor appointing the Inquiry Committee, and anything that is considered relevant to fulfil its task in relation to the terms of reference laid down will be within the purview of the Committee.

Shri S. S. Bhandari put the question to me in Rajya Sabha whether the Committee had been appointed to inquire into the conduct of the Vice-Chancellor or look into the events leading to the recent students' disturbances. It was in this context that I stated that the Committee was not sitting in judgement over the activities of the Vice-Chancellor. I further read out in reply to this question, the terms of reference of the Inquiry Committee. It is unfortunate that any impression should have been created by my answer that the conduct of the Vice-Chancellor would be irrelevant even though it may be related to the subject-matter of the inquiry. That certainly was not my intention.

I have noted the programme of work of the Inquiry Committee. I would be very glad if anything could be done to speed up the inquiry. I was hoping that the whole process might be completed in a matter of 2-3 months from the date of the first meeting. I am sure you would take such steps as you can in this connection.

With kind regards,

Yours sincerely,

Sd/-

(T. Sen)

Dr. P. B. Gajendragadkar
Vice-Chancellor
University of Bombay
Bombay

ANNEXURE VIII

DR. P. B. GAJENDRAGADKAR,
CHAIRMAN

Varanasi, April 10, 1969.

My dear Vice-Chancellor,

Thanks for your letter* dated April 7, 1969. You will recall that in your letter dated March 16, 1969 you had suggested that either copies of the memoranda submitted to the Committee or summaries of the main points may be supplied to the University. Accordingly, Mr. Chhabra has sent you the summaries of the main points mentioned in the memoranda. I hope these have been received by you. I regret it may not be possible to supply copies of the memoranda as now desired by you, as the secretariat of the Committee do not have spare copies of the same.

Yours sincerely,

Sd/-

F. B. Gajendragadkar.

Dr. A. C. Joshi
Vice-Chancellor
Banaras Hindu University
VARANASI

*Reproduced below.

* Copy of Vice-Chancellor, Banaras Hindu University, letter dated 7th April, 1969 to the Chairman, Banaras Hindu University Inquiry Committee.

Kindly refer to paragraph 5 of my letter of March 16, 1969, in which I had expressed the hope that the University would

be supplied either with copies of the memoranda submitted to the Visitor's Committee or summaries of the main points. In your letter of March 27, 1969, you had stated that summaries of the main points mentioned in the memoranda will be supplied to the University. I find that this has not been done so far. Professor Anandjee tells me that in the absence of this information he finds very difficult to appreciate the evidence tendered before the Committee. I realise that the preparation of the summaries will be quite an arduous job. Professor Anandjee also tells me that the summaries may not serve the purpose. I have been told that at the time of Mudaliar Committee, Copies of all the memoranda were supplied to the University after scoring out the name of the correspondents. In order to enable the University representative on the Committee to function effectively, I shall be thankful if the statement of various memoranda are supplied to the University at an early date.

With kind regards.

ANNEXURE IX

**P. B. GAJENDRAGADKAR
CHAIRMAN**

No. BHU/IC/Banaras/12

CONFIDENTIAL

Varanasi, 9th April 1969

My dear Vice-Chancellor,

It was very kind of you and your colleagues to have received me and my colleagues of the Committee at the airport when we arrived here on Friday, the 4th instant. Many thanks.

As you are aware, since Friday afternoon the committee has commenced its work of recording evidence.

Before the proceedings of the inquiry commenced, I explained to the University representative, Dr. Anandjee, the procedure which the committee proposed to adopt in recording the evidence and assured him that if during the course of the evidence of any witness he thought that any additional questions should be put to the witness in relation to the evidence recorded in his presence, he should pass on the said questions to me and, subject to the consideration of relevance, I would put them to the witness concerned. This practice I have followed throughout and I propose to follow hereafter until the recording of the evidence is over.

Soon after our arrival here, representative students whom the committee had invited to give evidence met Mr. Chhabra and mentioned to him that they would not be able to give evidence

freely and fearlessly in the presence of the University representative, and they urged that the University representative should be requested to withdraw when they gave evidence. Mr. Chhabra explained to them that the committee had been constituted under Section 5, sub-section (2) and (3), of the Banaras Hindu University Act (XVI of 1915) and that the said sub-sections provide that the University shall be entitled to appoint a representative who shall have the right to be present and be heard, *inter alia*, at the sittings of the committee, when evidence is recorded.

During the course of our sittings, student representatives whom the committee had invited to give evidence appeared before the committee and gave evidence. They, however, reiterated the point which they had earlier mentioned to Mr. Chhabra.

Some other witnesses who gave evidence before the committee also raised the point about the fairness of the procedure which entitles the University representative to be present at the hearing. When this point was raised, I explained to the witnesses concerned the legal position under section 5 (3) of the Act.

Another argument has also been urged before the committee by some of the witnesses and that is that since they were making allegations against the administration of the University, it was not fair that the University representative should be present when the said allegations were made, whereas they would not be present when the University's case was placed before the committee by other witnesses who would support the University administration.

Besides, we have found that some persons who appeared before us on our invitation were reluctant, and ultimately refused, to give evidence on the ground that the University representative was present, and they apprehended that if the evidence they gave was known to the University authorities, they (the

witnesses) would be exposed to serious risks. It has also been represented to us that more persons, both on the academic and the ministerial side, would be prepared to give evidence before the committee if their evidence was recorded in the absence of the University representative and an assurance was given to them that while calling for the explanation of the University in respect of the points made by them, their identity would not be disclosed to the University authorities.

It is under these circumstances that my colleagues and I have decided that I should address this letter to you. We feel that in fairness to you and the University we should request you to consider whether you recognise the validity of the aforesaid points and whether, in order to make the inquiry more comprehensive and to give a sense of assurance to witnesses who wish to give evidence before us in the absence of the University representative, you would consider it reasonable and fair to waive the University's right to insist upon the presence of its representative when the committee records evidence of such witnesses. My colleagues and I request you to give this matter your earnest consideration.

In case you feel that in view of the relevant resolutions passed by the Executive Council you cannot take any decision in exercise of your emergency powers, but must consult the Executive Council, my colleagues and I would suggest that you should call an urgent meeting of the Executive Council to discuss this question.

If acting in exercise of your emergency powers or after consulting the Executive Council you decide that it would be advisable, in the interests of a fair inquiry, that the University representative should withdraw from the proceedings when the committee records evidence of witnesses who are willing to give evidence in his absence, you should advise Dr. Anandjee accordingly.

In that case the committee will take every precaution to indicate to you, through your representative, all the points made by such witnesses against the administration in respect of which the committee would, in due course, like to have the explanation and the evidence on behalf of the administration.

I wish to add that my colleagues and I desire that our inquiry should be fair, impartial and thorough and it will be our earnest endeavour to find out the causes which led to the recent state of unrest and agitation in the University and to suggest measures for remedying the situation and for improving the general tone of discipline and law and order in the University. In this task we naturally look forward to receive all assistance from you and your colleagues of the Executive Council.

I trust you will appreciate the reason why my colleagues and I thought it necessary to address this letter to you, and I will thank you, if you consider the points mentioned above and send your reply as early as you can.

Yours sincerely,

Sd./-

P. B. Gajendragadkar

Dr. A. C. Joshi
Vice-Chancellor
Banaras Hindu University
BANARAS

ANNEXURE X

CONFIDENTIAL

VICE-CHANCELLOR

**BANARAS HINDU UNIVERSITY
VARANASI-5**

April 10, 1969

My dear Dr. Gajendragadkar,

Kindly refer to your confidential letter of April 9, 1969.

The apprehensions which some student representatives or other witnesses have expressed that they would not be able to give evidence freely in the presence of the University representative are baseless. It is not the policy of the University to be vindictive towards any individual. I know considerable effort is being made by interested parties to prepare evidence to this effect, but if it is carefully examined it will be found to be all false. You can assure all witnesses that they are free to speak without any hesitation or fear.

The next meeting of the Executive Council of the University is scheduled to be held on April 26, 1969. I shall explore the possibility of holding the meeting on an earlier date to consider the matter to which you have referred in your letter. The main problem is to secure the presence of some out-station members, whose advice is considered by all of us as very valuable.

With best regards,

Yours sincerely,

Sd./-

A. C. Joshi

Dr. P. B. Gajendragadkar

Chairman

Banaras Hindu University Inquiry Committee

Camp: Nadesar Palace

Varanasi

ANNEXURE XI

Copy of letter dated January 4, 1968, from Dr. A. C. Joshi, Vice-Chancellor, Banaras Hindu University, Varanasi-5 to Dr. T. Sen, Minister of Education, Government of India, New Delhi.

"I am sorry that you could not stay here for another day. The University feels greatly let down.

I can well realise that you may have agreed to the Hon. Degree in a moment of weakness or my persuasion. However, when a commitment has been made, it needs to be implemented.

I am equally sad with you at the events that have occurred, but these have been beyond our control. I did not invite the Science Congress to Varanasi nor the P. M. Neither anyone could imagine that there would be the Language Amendment Bill about this time.

I shall be thankful if you could take steps to select another Vice-Chancellor and relieve me of this office at an early date.

I am thankful to you for the confidence that you reposed in me and offered me this high office.

With kind regards,"

Copy of letter No. F.14/68-EM, dated January 14, 1968, from Dr. T. Sen, Education Minister, Government of India, New Delhi, in reply to the above letter from Dr. A. C. Joshi.

"I thank you for your letter of January 4, 1968 which I saw on my return from tour. I am sorry for the delay in sending a reply.

I realise how disturbed you must be over all that has happened at Banaras. I feel extremely distressed and disturbed myself. But most of these things are beyond our control and probably inescapable in a time like the present when we are passing through excessive stresses and strains. My only hope is that things will soon settle down to normal and that we might begin an earnest effort to improve education at an early date.

I am afraid there has been some misunderstanding about the honorary degree to be conferred on me. You know my views on this subject and how unwilling I am to receive such honours which I am quite sure I do not deserve. My unwillingness to receive a degree from Banaras is all the greater because I hold the office of Union Education Minister at present and because I have already refused a similar offer made by Aligarh. It is true that we did discuss this subject. But I was left with an impression that I had given you an indication of my unwillingness and this was confirmed because I received no intimation from the University, either about this special convocation or about the conferment of the degree on me. I was, therefore, surprised at Banaras when I heard that the Convocation had been arranged; and I left, partly with a view to avoiding an unpleasant situation; but mainly because I was too distressed by the developments to stay at Banaras.

I cannot at all support your proposal of seeking release from the Vice-Chancellorship of Banaras. These are very difficult times when each one of us had to stand at his post and do his duty, however unpleasant it might be. I am indeed sorry that I have unwittingly hurt your feelings by refusing to accept the honorary degree at Banaras. But I can assure you that I did not mean anything personal in this and that my affection and regard for you continue unchanged. I would, therefore, appeal to you to forget all the past and help me in my task by continuing to guide the future of the Banaras Hindu University.

With best regards".

ANNEXURE XII

Copy of letter dated 2nd January 1968 from the Registrar, Banaras Hindu University, Varanasi, addressed to (i) Dr. Triguna Sen, Minister of Education, Camp: JHU, Varanasi, (ii) Dr. Atma Ram, President, Indian Science Congress, Camp: BHU, Varanasi, and (iii) Prof. T. R. Seshadri, Delhi University, Camp: BHU, Varanasi, regarding the conferment of honorary degrees on 4th January 1968.

The Academic Council of the Banaras Hindu University has unanimously recommended you for the award of the Degree of Doctor of Science *Honoris Causa*. The special Convocation of the Academic Council will be held on 4th January 1968 at 3-30 P.M. in the Convocation Pandal on the Amphitheatre ground. You are requested to be present in the Convocation Pandal at 3-20 P.M. on 4th January 1968, when the procession of the Academic Council will move into the Convocation Pandal.

ANNEXURE XIII

Copy of the papers relating to the reorganization and improvement of the Library of the Banaras Hindu University.

E. M.'s SECRETARIAT

While I was Vice-Chancellor of the Banaras Hindu University, a Committee was appointed to go into the affairs of the Banaras Hindu University Library and its report is being awaited. Mr. B. S. Kesavan, the Honorary Library Adviser to the Ministry of Education was one of the members of the Committee, and as I desired that immediate action should be forthcoming in setting right the work of the Library he has discussed with me the action to be taken. After having carefully considered his suggestions in the matter I desired that the following procedure be adopted. To start with, four senior members of the staff of National Library at Calcutta and four senior members of the staff of the Indsoc at Delhi be formed into a work team under the direction of the Honorary Library Adviser, Mr. B. S. Kesavan. This team will have to work at Banaras for some time and in co-operation with the staff of the Banaras Hindu University Library to design the steps to be taken for bringing the Library back to normal function. The period of time for which this team will work will be three months in the first instance and an extension of the period, if necessary will be determined at the end of the three-month period. I am aware that taking these people from the parent organisations will, to a certain degree, dislocate the work of those organisations. But, the urgency of the work at the Banaras Hindu University Library is of such a nature that I am sure the organisations concerned will not grudge the help asked for. During the period of their work at the Banaras Hindu University, the members of the team

will be the guests of the University as far as board and lodging is concerned. As it is a Central University and the efficiency of it is a direct responsibility of the Ministry, until such time as a new Executive Council takes over, this Ministry will agree to the members of the staff of the two organisations drawing their salaries for this work and will be considered as on duty with the parent organisations during the time of their work at Banaras.

This note may kindly be communicated to Dr. Atma Ram, Director General of Scientific and Industrial Research, with a request to kindly allow the four members of staff from Insdoc to work on this BHU Library Project.

A copy of this note may also be sent to the Librarian of the National Library, Mr. Y. M. Mulay, with a request that he should kindly agree to the release of four of his staff for this purpose.

A copy of this note may also be sent to Dr. Udupa, the Rector of the Banaras Hindu University, and Mr. Dar, the Registrar of the Banaras Hindu University, for information and with a request that the work team might be provided every facility to work at the BHU Library.

Sd./- T. Sen

23-3-67

Copy of D.O. No. Secy. 19/2/67 from Shri Prem Kripal, Education Secretary, Government of India, New Delhi, to Shri S. L. Dar, Registrar, BHU.

I am enclosing herewith for your information and necessary action a copy of a note dated 23rd March, 1967, recorded by the Education Minister, Dr. T. Sen, in regard to the action to be taken to improve the organisation of the Banaras Hindu University Library.

INSDOC

**INDIAN NATIONAL SCIENTIFIC DOCUMENTATION
CENTRE**

DIRECTOR

Hillside Road, New Delhi-12.

DB 16

1 April, 1967

My dear Dr. Udupa,

By now you must have received a letter from the Ministry of Education, incorporating the note recorded by the Minister for Education, about the reorganisation work in the Banaras Hindu University Library with the assistance of staff borrowed from the National Library and the Insdoc. I propose to start the work there by the 15th of April. I am giving below the particulars of the officers, all of them very senior men, who will come to Banaras and stay there for a period of three months in the first instance, planning and executing the reorganisation work. I shall be most beholden to you if you will kindly let the staff of the Banaras University Library know of this programme and request that they should be available to me for the execution of the project. Arrangement for the stay and boarding of these eight officers should kindly be made. Dr. Sen has told me that the working team will be the guests of the University during this period of work. The members of the National Library staff are as follow :

1. Shri M. N. Nagaraj
2. Shri Moquitul Hassan
3. Shri N. B. Marathe
4. Shri Govindlal Ray

They are all officers in the gazetted rank and with a service of ten or more years to their credit. The officers from the Insdoc are as follows :

1. Shri T. S. Rajagopalan
2. Shri G. R. Parkhi

3. Shri R. Satyanarayana

4. Shri B. K. Sen

They are also in the gazetted scale, and Shri Rajagopalan will be designated as the leader of the team during my periods of absence. I should very much appreciate it if Shri Rajagopalan is accommodated along with me at the University Rest House.

It is very essential that we should be provided with typewriters and typists, at least four in number. This is absolutely essential. I will discuss further details with you in person when I come over there. I shall notify the exact date and time of my arrival in a further communication.

With my best regards,

Yours sincerely,
Sd./- B. S. Kesavan

ANNEXURE XIV

Copy of order passed by the Rector regarding eligibility of Mr. Damodar Singh to stand for election of the President, Students' Union.

A difficulty has been created in the working of the Constitution of the Students' Union after a decision was taken by the General Body of the Students' Union on 23rd August, 1968 that Shri Damodar Singh be permitted to seek election for the office of the President of the BHU Students' Union.

2. Article III(4) indicates that only such members shall be eligible for election as President and General Secretary who have been members of the Union or the Banaras Hindu University Students' Association for at least two years or are graduates and have been members thereof for at least one year.

3. The Constitution of Banaras Hindu University Students' Association under Clause 4 lays down that all students other than of the Pre-University course or of any other class lower than the Pre-University course, whose names are on the rolls, of any of the Colleges or Institutes maintained by the University are members of the BHU Students' Association.

4. Shri Damodar Singh therefore may seek election to the Presidentship of the Students' Union as a graduate student of Law College having paid the fees of the Union for the session, 68-69. The provision of one year's standing be waived in the light of the General Body's recommendation.

Sd./- H. Dwivedi
23-8-68.
RECTOR

ANNEXURE XV

काशी हिन्दू विश्वविद्यालय

कुलपति डा० ए० सी० जोशी की ओर से दो अपीलें आपके पास गई होंगी। पहली में विश्वविद्यालय के उन छात्रों से अपनी पाठ्य पुस्तकें देने की अपील की गई है जो विश्वविद्यालय छोड़ रहे हैं। इन पुस्तकों से एक पाठ्य पुस्तक केन्द्र की स्थापना का विचार है। दूसरी अपील में कोयना के भूकम्प पीड़ितों की सहायता के लिए दान देने का अनुरोध किया गया है। छात्रावासों के वार्डन तथा डीन और प्रिंसिपल लोगों के सहकारी अध्यापक इन चीजों के संग्रह करने में सहायता कर सकते हैं। कृपया अपने विभागों, फेकल्टियों-कालिजों और छात्रावासों में कुछ लोगों को पुस्तकें और द्रव्य संग्रह करने का भार दें ताकि वे विद्यार्थियों से यथासंभव पुस्तकों का संग्रह कर सकें और भूकम्प पीड़ितों के लिए आर्थिक सहायता संग्रह करने की व्यवस्था कर सकें। भूकम्प पीड़ितों के लिए आर्थिक सहायता देने के लिए एक-एक रुपये की रसीदें छपाई जा रही हैं जो शीघ्र ही आपके पास पहुंच जाएंगी। इस विषय में कुलपति महोदय से विश्वविद्यालय के कृषि महाविद्यालय के शोध-छात्र श्री दामोदर सिंह को आपके पास जाकर यथोचित सहायता करने के लिए आदेश दिया है।

श्री दामोदर सिंह और उनके साथी समय-समय पर उन व्यक्तियों से मिलेंगे जिन्हें पुस्तकें और द्रव्य संग्रह करने का भार दिया जाएगा और संग्रह कार्य में सहायता करेंगे। कृपया इस कार्य में यथोचित गंभीरता के साथ सहायता करने का प्रयत्न करें।

हजारी प्रसाद द्विवेदी
रेक्टर

सभी डीन/सभी प्रिंसिपल/
सभी विभागाध्यक्ष/
सभी एडमिनिस्ट्रेटिव वार्डन

ANNEXURE XVI

TEACHERS' BODY REGRETS ASSAULT ON PROFESSOR SARASWATI

The Teachers Association of Banaras Hindu University was very grieved to learn about severe injury suffered by Prof. Saraswati and by Dr. Rajatnand Das Gupta of the College of Indology at the hands of PAC men pursuing the students who were indulging in brick-batting and violence in the campus. While Appreciating that the PAC men were discharging their duties under great provocation and that the officials had demonstrated great self-restraint, the Association regrets it very much that some teachers had to suffer physically and mentally in the prevailing crisis. It appeals to the authorities to take all necessary precautions in order to protect the teachers and those students who are keen to pursue their studies and to take necessary steps against their men on duty who go beyond the instructions by entering into the classrooms and offices for using their baton against innocent and sincere workers on duty.

ANNEXURE XVII

NOTE SUPPLIED BY THE TEACHERS' ASSOCIATION, BHU, REGARDING APPOINTMENTS, ETC.

Delay in filling permanent posts

1. Professorship in Chemical Technology remained vacant during 1951-61—it actually disappeared from the budget—but was discovered in 1961.
2. Professorship in Pharmaceutical Chemistry remained vacant for several years—it actually disappeared from the budget—but was discovered in 1961.
3. Three Readerships in Chemical Engineering remained vacant during 1951-61.
4. Professorship in Geophysics remained vacant during 1957-60.
5. Readership in Physical Education remains vacant from 1965.
6. Readership in Analytical Chemistry, Deptt. of Pharmaceutics, remained vacant for about 5 years during 1962 to 1967.
7. Three permanent Lecturerships in Law lying vacant since 1961 and some Lecturers working as temporary for the last 5 years or so.
8. Professorship in Medicine lying vacant since last two years.
9. At the time when Dr. Gopal Tripathi rejoined as a Head in 1963, there were no vacant posts (of any category), but at present near about 10 posts are lying vacant.

10. The post of Instructor in Art remained vacant in the Teachers Training College during 1955-63.

Posts created to suit particular persons

1. Readership in Political Science transferred from the Department without the knowledge of the Head to the Women's College to suit Dr. Sita Srivastava though later on it was withdrawn because of the protest from all the Lecturers of the department and intervention of the Vice-Chancellor.
2. Readership in Instrumentation created for Dr. K. S. Vishwanathan (*vide* Annexure -1).
3. Directorship of I. T. created to suit Dr. Gopal Tripathi and appointment made without advertisement and the Selection Committee.
4. The post of Controller of Examination was created to suit Dr. U. V. Bhatt and appointment made without advertisement and the Selection Committee.
5. Two professorships in Botany have been created for Dr. Ram Yas Roy and Dr. Kanoongo and appointments made without advertisement.
6. The Readership in English was created to promote Dr. R. S. Ojha (a relation of the Executive Councillor Pt. K. D. Tiwari) with retrospective effect. The post had not been sanctioned by appropriate university bodies.
7. The post of Directorship in Extra-Mural Education was created to provide for Dr. S. C. Shukul (a relation of Dr. R. B. Pandey, an Executive Councillor, whose post of Coordinator in General Education went into abeyance as a result of abolition of General Education).

Mantpulation in Advertisements

1. The UGC had sanctioned a Professorship in Indocrinology in the Deptt. of Zoology but in the advertisement

the post was made general in order to enable a particular candidate, not possessing the prescribed qualification, selected. When, in spite of this manipulation, the particular candidate could not be selected, attempts have been made to upgrade him.

2. Similarly, the UGC had sanctioned a Professorship in Algae in the Deptt. of Botany, but in the advertisement the post was made general so that a particular candidate, not possessing the prescribed qualification, could be selected. When, in spite of this manipulation, the particular candidate could not be selected, attempts have been made to upgrade him.
3. The Professorship in Silicate Technology was advertised in such a way that a person with Physical Chemistry (Dr. Vishwanathan) could be appointed on it (*vide* Annex-1).
4. Dr. S. Prasad, Reader in Pharmacognosy, appointed Professor of Pharmaceutics in 1962 (a Man of Pharmacognosy (*de facto*) but that of Pharmaceutics by appointment, claims both by convenience).

Got the post of Reader in Pharmacognosy converted to Reader in Pharmaceutical Chemistry on the plea that now the Professor in the Deptt. was one of Pharmacognosy. This was done to raise Dr. G. B. Singh, then Lecturer in Pharm. Chem. to Readership in Pharmaceutical Chemistry and he was so raised. Later saying that the Professor of Pharmacognosy could not devote much time to teaching, get an additional post of Lecturer in Pharmacognosy sanctioned which post was meant for Sri Ajay Prakash, then only an M. Pharm. (now Ph. D.) who could at that time not be made a reader, and he was appointed Lecturer in Pharmacognosy.

In 1967, when Dr. D. N. Majumdar, Reader in Pharmaceutical Chemistry was to retire, it was proposed to convert the post of Reader in Pharmaceutical Chemistry to the post

of Reader in Pharmacognosy. It was forgotten that only a few years ago the Readership in Pharmacognosy was converted to one of Pharmaceutical Chemistry. This time the Readership in Pharmacognosy is apparently planned for Dr. Ajay Prakash, who by now has become a Ph. D. and has acquired teaching experience as well, as such he can easily be raised to Readership. The Lecturer in Pharmacognosy (having over ten years' teaching experience) having gone abroad, the opportunity is being sought to bypass him and get the appointment of the Reader in Pharmacognosy (obtained by conversion of the Reader in Pharm. Chem.) made in the absence of the senior lecturer in Pharmacognosy, Shri G.C. Bhavsar. It is understood that in the first interview for the appointment of Reader in Pharmacognosy, the experts pointed out that Sri Bhavsar, a worthy teacher with long experience has gone abroad for higher studies and it would be unfair to him to fill this post in his absence. But in spite of this the advertisement for the post of Reader in Pharmacognosy has appeared again and efforts are being made to fill the post before Shri Bhavsar returns.

5. In Teachers Training College in one advertisement for Readership in Education, specialisation was not demanded in order to promote Miss Bokil, but in another case, specialisation in statistics was demanded to promote another candidate.

Again, in the same Department, while qualifications required for filling the lecturer's post were higher (i.e. M.A. and M.Ed.) than those for readership, where only M.Ed. is required (*vide* recent advertisement).

Also qualifications for the posts of a lecturer advertised have been required to suit a particular individual only, e.g., specialisation in commerce with M.A. and M.Ed. as general qualification whereas it should be 'M.Com. and M.Ed.' with specialisation in commerce.

6. When Mr. R. N. Vyas and Mr. Somastandan were appointed Deputy Registrars, the advertisement was so manipulated that no teacher could compete with them.
7. Advertisement for two posts of Professors in Law were made to suit Dr. M. P. Jain and Shri S. N. Nigam who were working as visiting professors in the BHU while the former had the substantive rank of Reader in Delhi University and the latter had retired as Reader in Lucknow University.

Manipulations in upgrading of Lecturerships to Readerships

When twenty per cent lecturers were upgraded to Readerships in 1962, no objective criteria were laid down. In some cases, mere seniority was regarded sufficient, while in others Ph.D. was made essential. In some Departments no one was promoted, while in others a number of people were given this opportunity, e.g., Sri Trilochan Panth (History) and Sri P. N. Acharya (Hindi) with no Ph.D. were promoted. Similarly Sri K. Das (Agriculture) was promoted though he had a mere III class M.Sc. degree, while none was promoted from the Department of Political Science though there were very meritorious candidates having a good academic record.

Some of the lecturers who were thus upgraded got their appointments with retrospective effect. As a result, they became senior to those who were selected earlier through selection committee in preference to them (*i.e.* those who were thus upgraded). A number of representations by such affected parties are still lying unattended.

Extension

There have been no objective criteria for giving extension *i.e.*, either on the basis of merit or for the period of extension.

Confirmation delayed without valid reasons

Dr. Dharma Pratap Shah (Law), Dr. L. V. Guru (P.G.I.) Shri A. K. Taneja and Anand Prakash (Pharmaceutics), Sri

V. C. Joshi, Sri S. K. Roy, Sri A. N. Srivastava (Technology) are a few examples of this category.

Increment held up without valid reasons

1. Dr. L. V. Guru (P.G.I.).
2. Sri A. K. Taneja (Pharmaceutics).

Appointment letters held up without any valid reason

1. Dr. A. K. Agrawal (Technology).
2. Dr. K. P. Singh (Mathematics).
3. Pt. Kedar Dutta Joshi (Sanskrit).

Senior and better qualified teachers not given postgraduate teaching

1. There is no fixed policy in some departments like Political Science. Even a fresh appointee is given postgraduate classes while in others (like English) even senior teachers of long standing do not get the chance.

2. In the department of education, there are cases where M.A., B.Ed. or B.A., B.Ed.'s were given postgraduate classes while M.A., M.Ed.'s were denied this privilege.

This category deserved mention for the reasons that many a time P.G. teaching is considered an essential qualification for appointment to higher posts.

Manipulations in preparing the precis of applicants

1. For the posts of Instructors, Physical Education, in C.H.S. and the Deptt. of Education precis of Mr. Ram Gopal was inflated in 1967-68.

2. For the post of reader in Political Science the precis of Dr. Sita Srivastava was similarly inflated in 1968 at the cost of others.

Fixation of salaries at the time of appointments

At the time of appointments many a time salaries are given to the appointees without any objective criteria. Depending upon one's bargaining power and the support given by the Head

of the Department, advance increment have been made available by the University in a discriminating way, e.g., Rajkrishna, Reader in Law, given a starting salary of Rs. 900.00 in 1965 without any justification. Similarly, Dr. Tatvavadi, Reader in Analytical Chemistry and Dr. G. B. Sen, Reader in Pharmaceutics were given such special increments.

Representations remaining unattended for a long time

The cases of Dr. B. L. Gurg (Political Science), Dr. D. N. Roy (Botany), Dr. R. N. Verma (Hindi), Dr. L. Venkat Raman (Mathematics) and Dr. N. P. Kackker (Commerce) have remained unattended for more than ten years. Similarly, cases of Dr. J. N. Singh (Agriculture) and Dr. S. B. Jaiswal (Pharmaceutics) still remain unattended.

Manipulations in determining seniority

Persons appointed in the same executive council meeting become senior or junior according to the manipulations done at the time and source of issuing appointment letters (*vide* Annexe-1).

Senior Professorship

For a long time no objective criteria were laid down for appointment in the grade of Senior Professorship. Later on, when some criteria were laid down convenient interpretations were made on some occasions.

Even the fresh appointees (*i.e.* outsiders) e.g., Prof. R. S. Misra of Mathematics, are offered senior professorships. This is against the spirit of the provision for which this category was created.

Senior professorship should be given exclusively on the basis of academic achievements of a professor. Most of these professors, once appointed as a professor, bid good bye to academic work in teaching. In particular the Heads of the Deptt. thrive on manipulations and whole-time manoeuvring.

ANNEXE 1 to ANNEXURE XVII

1. *Vide* letter No. AB/13140, dated 5-1-68 Prof. R. S. Misra was directly appointed as Senior Professor in the Department of Mathematics.

2. *Mrs. Nandita Sen Gupta (Instructor in Physical Training)*

Passed C. T. with Physical Training Course of two years' duration from Govt. Training College, Lucknow in 1954. At that time she was a mere high school passed. Passed Intermediate in 1968. In 1959 appointed as temporary Instructor in Physical Training in the grade of Rs. 200-450. Passed B.A. (BHU) in 1961; D.P.Ed. from Allahabad in 1965; in July, 1965 appointed on the above post and grade on probation for two years; grade revised as Rs. 400-800 from 9-7-65; further revised as Rs. 400-950 from 1-4-66. Fixation of salary in the latest grade without orders from Registrar/Rector/V.C. and without getting the proform of fixation of salary checked by the internal auditors. Letter regarding fixation of salary issued on 9-5-69.

3. *Dr. R. S. Ojha* confirmed as Reader in English *vide* E.C. Resolution No. 303, dated 2-12-67 w.e.f. 5-8-58; his salary was fixed at Rs. 1000 w.e.f. 2-12-67.

4. Both, Dr. R. S. Choudhary and S. P. Pathak were appointed as Professors by the Executive Council at its meeting held on 25-7-62. Letters regarding appointment were issued to both on 2-8-62. Prof. Pathak joined on 2-8-62. Dr. Chaudhary represented that since he was already working as Actg. Principal after the retirement of Prof. Jaswant Singh, he may be treated to have joined as Professor w.e.f. March 1962. The

V. C. *vide* his orders dated 19-8-62 decided that Dr. Chowdhary's joining as Professor be treated effective from 25-7-62—the date of the E. C. meeting.

5. Prof. K. S. Vishwanathan appointed Professor in Sil. Tech. on Rs. 1300 p.m. by the E.C. on 3-5-67.

Qualifications : M.Sc. Chemistry II Dn. (1932)
D.Sc. Physical Chemistry. 1950

- Experience :
1. Lecturer in Chemistry, College of Sc., BHU. 1935—1949
 2. Lecturer in Chemistry, Deptt. of Chem. Engg., BHU. 1949—Feb. 1963.
 3. Reader in Instrumentation & Automatic Process Control. March '63
 4. Sent on deputation as Prof. & Head of Science Education at the Bhopal Regional College of Education on Rs. 1300 p.m. Oct. '66

ANNEXURE XVIII

STATEMENT INDICATING THE FORM OF DECLARATION TO BE SIGNED BY THE STUDENTS REGARDING DISCIPLINE IN DIFFERENT FACULTIES OF THE BANARAS HINDU UNIVERSITY

1. Faculty of Science I agree to abide by the rules of the Science Faculty and of the University and promise to be regular in my studies and to pay my tuition and other fees regularly.

2. Institute of Technology I certify that the application form has been filled in by my own handwriting and that the entries made are correct. The marks entered in the column above or the attested copies of the Mark Sheets submitted are correct. I agree that if there is any inaccuracy in the statement given in the form or in the Mark Sheets my admission may be cancelled by the Institute Authorities at any time.

I do hereby promise that in the event of my being admitted into the Institute, I shall abide by all the University Rules of Discipline and I shall accept any changes in the course of study that may be introduced from time to time.

3. College of Agriculture I am seeking admission to the B.Sc. (Ag.) Part..... (Intg.)/M.Sc.

(Ag.) Previous class in your institution. I request permission to stay in the City/University area with my local guardian. I do hereby promise that in the event of my being admitted to the College, I will abide by all the Rules of Discipline as laid down by the University.

4. Faculty of Education I am seeking admission to the B.Ed. Course of study at the Department of Education, Banaras Hindu University, I seek permission to stay in City/University area with my local guardian. I have read and understood all the rules of discipline and I promise to abide by them.

5. Faculty of Commerce I declare that the above entries are correct to the best of my knowledge. I agree to abide by the Ordinances and Rules of the Faculty of Commerce and the Banaras Hindu University.

I declare that the above entries are correct to the best of my knowledge. In case I am selected for admission to the M.B.M. Course, I shall abide by the Ordinances and Rules of the Faculty of Commerce and the Banaras Hindu University.

6. College of Medical Sciences

In the event of my being admitted to the M.B.B.S. course, I promise to be regular in my studies and to pay my tuition fees and other dues regularly. I also promise that I shall abide the Rules of the College and of the University.

I shall abide by the decision of the Principal of the College in all matters of admission, discipline, examination, residence and attendance in classes. I certify that the application form has been filled in by my own hand-writing and that the entries made are correct. The marks entered in the application form or in the attested copies of the mark-sheet submitted are correct.

I agree that if there is any inaccuracy in the statement given in the form or in the mark-sheet, my admission may be cancelled by the College authority at any time.

I shall join the common mess whenever started by the University.

7. Lalit Kala Maha-
Vidyalaya

I am seeking admission at the..... course of study at the..... College BHU. I seek permission to stay in City/University area with my local guardian. I have read and understood all the rules of discipline and I promise to abide by them.

8. Law School

I agree to abide by the provisions of the BHU Act, Statutes, Ordinances, Regulations and Rules that are framed or may be framed thereunder including those relating to compulsory training in N.C.C. and the orders of the officers and authorities of the School and University.

9. Women's College

I am seeking admission to the P.U.C. (Arts/Science)/B.A./B.Sc. Part I, II

and III course of the Women's College. I seek permission to stay in City/University area with my local guardian. I have read and understood all the rules of discipline and I promise to abide by them.

10. Faculty of Arts

I am seeking admission to M.A. (Prev./Final); Ph.D. course/diploma of study in..... at the Faculty of Arts. I request you to allot me a seat in the Hostel. I seek permission to stay in City/University Area with my local guardian. I have read and understood all the rules of discipline and I promise to abide by them and to submit myself to the control of duly constituted authorities.

I am seeking admission to P.U.C., B.A. Part I/II, in the Faculty of Arts. I request you to allot me a seat in the Hostel. I seek permission to stay in City/University area with my local guardian. I have read and understood all the rules of discipline and I promise to abide by them and to submit myself to the control of duly constituted authorities.

Faculty of Arts Unit,
University of Educational
Sciences, Patna
Telephone No. 110016
LCC No. 1666
Date..... 9-10-84.....

NIEPA DC



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